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## FROM THE EDITORIAL COMMITTEE

We are giving you the next 28th 1 (2021) issue of the Scientific Journal of the Faculty of Management at the Rzeszow University of Technology entitled “Humanities and Social Sciences”.

The aim of the Publisher is to raise the merits and the international position of the quarterly published by the Faculty of Management, that is why we are still developing the cooperation with foreign team of reviewers, as well as an international Scientific Council. The Editors have also attempted to apply for international databases; currently the quarterly HSS is indexed in **Index Copernicus Journal Master List, The Central European Journal of Social Sciences and Humanities (CEJSH) ERIH PLUS, DOAJ and EBSCO**.

The Journal has been also included in the list of projects qualified for funding under the **“Support for scientific magazines program”**.

The articles published in this publication are devoted to the broader issues of the humanities and social sciences. They are the result both of theoretical and empirical research. The subjects covered vary considerably and reflect the interdisciplinary nature of the Journal. We do hope that the papers published will meet your kind interest and will be an inspiration to further research and fruitful discussions.

On behalf of the Editorial Board of “Humanities and Social Sciences” we would like to thank the Authors for sending the outcomes of their research. We would like to express particular gratitude to the Reviewers for their valuable feedback that greatly contributed to increasing values of the scientific publications.

With compliments  
*Editorial Committee*



**Soufyane BADRAOUI<sup>1</sup>**  
**Meriem KADDOURI<sup>2</sup>**

## **FAMILY AND YOUNG ENTREPRENEURSHIP IN ALGERIA: IDENTIFICATION AND ANALYSIS OF CERTAIN SOCIO-CULTURAL FACTORS**

This article provides an understanding of the nature of the relationship between Algerian family values and youth entrepreneurship and management in the context of economic and social evolution and transitions. It is important to determine the roles played by Algerian families in the success of the projects of their members (entrepreneurs). The objective of this study is to understand the reasons why people devote time, energy, and money to entrepreneurship and the prevailing logics in their managerial and organizational practices. This is a question of grasping the references and scales of values, as well as the religious, moral, and social norms that entrepreneurs follow and that motivate them to create or take over and manage their enterprise.

**Keywords:** Young entrepreneurs, socio-cultural factors, socio-economic evolution, management, Algeria.

### **1. INTRODUCTION**

Many sociologists in Algeria (ADDI, 1999; Bourdieu, 1958, Boutefnouchet, 1980) believe that the socio-cultural context and family are the cornerstone of Algerian society, the basic unit and the social organization's core role in absorbing the culture and thus responsible for the restructuring of the human person. Despite the fact that “the Algerian family is undergoing profound changes” (Oussedik, 13 juin 2012), these changes have influenced the social structure of Algerian society. Therefore, “the traditional family structure has broken out under the pressure of new family models” (Benali, 2005).

In this work, a comprehensive interdisciplinary study is being conducted to determine socio-cultural factors and the role of the family in entrepreneurial success, the degree of attachment to the community and beneficial ties in entrepreneurial activity. In addition, the study examines the degree of irrationality in the economic choices of African entrepreneurs in the context of the social pressure exerted by ethnicity or extended family.

The reminder of the paper is organized as follows: Section 2 describes the socio-cultural context of young entrepreneurs; Section 3 introduces the interest of research, objectives and

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perspectives of this study; while Section 4 presents the methodology of research; the preliminary results are discussed in Section 5; and Section 6 draws conclusions.

## 2. THE SOCIO-CULTURAL CONTEXT OF YOUNG ENTREPRENEURS

There is no doubt that the sociological or cultural environment of a country has an impact on the way organizations and companies and their staff carry out their functions. Dominant religious beliefs and cultural values, in conjunction with parental behavior, child-rearing and formal education system generally have a direct and very significant relationship with the general opinion about work and accomplishment.

Indeed, it has recently been asserted that globalization has neither standardized societies nor generated a homogeneous global culture. Thus, the emergence of entrepreneurs is tinged by the cultural influence peculiar to the Algerian context. Furthermore, entrepreneurship, as a lever for the creation of wealth and jobs, is part of Algeria's reconversion strategies. These cannot be separated from the cultural dimensions that affect the entrepreneurs' behavior (Tounes Assala, 2007).

The enterprise can be analyzed as a socio-cultural space directly influenced by family profiles and by the values of its creators and managers. Thus, society, the enterprise and the entrepreneurs influence each other and lead to a specific type of entrepreneurial process.

Many researchers emphasize the importance of cultural influence on economic behavior (Badraoui, 2014; Kombou, Saporta, 2000; Ellis, Fauré, 1995). If culture makes all the difference, the history of social and economic development proves it. Entrepreneurs in emerging countries, with their own cultural values, have become as enterprising as those in developed countries. Researchers show that entrepreneurship is a global phenomenon that takes different forms across countries (Badraoui, Kamana, 2014; Torres, 2000).

As regards the case of Algeria, a typology of entrepreneurs is revealed by analyzing the characteristics of their socio-professional trajectories and their motivations for setting up an enterprise in Algeria. Five main types are observed: the entrepreneur "Manager", the entrepreneur "Successor", the entrepreneur "Migrant", the entrepreneur of "old SMEs" and finally, the entrepreneur "Worker" (Gillet, 2002; Gillet 2004).

In this context, Algerian society has shifted from the traditional peasantry to the socialist wage system, from an "industrializing industry" to a market economy. Today, the private sector is evolving in a climate of unfinished business transition, mainly through the creation of enterprises by young people (Bachir, 2007, Tounes and Assala, 2007).

This transition is profoundly changing economic policy and entrepreneurship is becoming an important lever to alleviate unemployment in Algeria (Musette, 2013). It is part of the conversion policies that the state wants to promote with the currency reserve exceeding tens of billions of USD dollars.

The changes that Algeria underwent after independence have not completely eliminated traditional culture. They have perverted it, emptied it of its primary purpose, but because the development of the productive forces has not kept pace with social needs, it can also be said that transformations have condemned traditional culture to invest in social dynamics (Bachir, 2007; Boukhobza, 1989).

In a previous contribution, Badraoui and Kamana (2014) argued that entrepreneurship is not only an economic and social phenomenon; it is also a socio-cultural issue, i.e. a state of mind, a culture, values, education, social structures of attitudes and behavior. The authors



highlighted that a multitude of factors influence and guide the entrepreneurship culture (Badraoui, Kamana, 2014).

The entrepreneurs are not alone on board; they must deal with the socio-economic environment and their specific community. The willingness to carry out their business plan is part of a broader framework of production/reproduction and acceptance/rejection of social values and the predominant culture.

This study aims to provide an understanding of the nature of the relationship between Algerian family values and entrepreneurship and youth management in a context of economic and social evolution and transitions. Thus, what are the roles played by the Algerian family in the success of the projects of its members (entrepreneurs)?

To this end, the objective is to identify, analyze and sociologically understand the culture of entrepreneurship and the main socio-cultural factors that influence Algerian entrepreneurs in the conception and implementation of their business plans.

The research questions of this project focus on the socio-cultural values of young entrepreneurs and their managerial behavior. In this case, the aim is to collect the views and perceptions of entrepreneurs to identify the socio-cultural values and attitudes that influence them in the creation of their own business. In this perspective, what is the weight of social and familial logics (networks of relationships, family solidarity, place of women in the family and status of women, age considerations) in the values and practices of Algerian entrepreneurs?

The core challenge is to grasp the practices, representations, fundamental beliefs and social environment that structure and animate economic behavior, community entrepreneurship, business creation and private sector development. Therefore, it is necessary to identify the socio-cultural values of society that can stimulate or hinder the entrepreneurial impulse of their members, to identify the symbolic universes that cement the different groups and the multiple factors (mode of social organization, dominant local traditions, religions, history, colonial experience, relation to modernity, ecological environment), in relation to business creation and thus sheds new light on the practice, meaning or value of economic acts.

### **3. INTEREST OF RESEARCH, OBJECTIVES AND PERSPECTIVES**

The interest of this research is to place the phenomenon at the center of the future concerns of the social sciences in Algeria, notably through the adaptation of certain analytical models applied in the “entrepreneurial” field. In addition, the research is based on models of the socio-cultural dimensions of entrepreneurship.

The paper aims to study and understand the reasons why people dedicate time, energy and money to entrepreneurship and the dominant logics in their managerial and organizational practices. To this end, from a socio-cultural perspective, it is a question of grasping the references and scales of values, religious, moral and social norms that entrepreneurs carry and that incite them to create or take over and manage their businesses.

After an initial investigation and a review of the literature, the first and main hypothesis that is subject to empirical exploration is that the family in Algeria provides its members with the various resources necessary to carry out projects and business successfully, but within the framework of its values and its community and socio-cultural logic. In other words, the young entrepreneurs in Algeria are still influenced by the family and its socio-cultural values held by its founding members.

This project has several specific objectives. Firstly, the aim is to study the relationship between the individual, the family and society, and entrepreneurial activities in the context of Algerian society. Second, it is important to clarify the perceptions of young and female entrepreneurs in Algeria on the socio-cultural values that underlie the legitimization of their activities and their attitudes towards these values. Moreover, identifying entrepreneurial practices and the factors that influence the managerial behaviors of Algerian entrepreneurs allows to establish their intentions.

From a gender perspective, it is also important to identify the mentality of entrepreneurs, as well as the main societal, ethics-religious and ideological values to which they refer in their economic behavior. Finally, the analysis of perceptions and attitudes aims to understand the phenomenon of entrepreneurship.

#### 4. METHODOLOGY

We formed an exploratory research method to deal with the questions in this study. This led researchers to proceed with general interviews, they contained open-ended questions allowing the participants to express their notions, representations and experiences, vis-à-vis the entrepreneurial logics and the role of family in this process.

Since the study is exploratory and aimed at identifying and understanding, the sociocultural factors influenced Algerian youth to create and manage their professional project.

Sample of our study was a sub-sample from a larger and probable cohort of entrepreneurs. We conducted the task with groups comprising 12 Young entrepreneurs from Tlemcen City (West-northern of Algeria); we conducted the exploratory process between November 2019 and January 2020. We changed the general plan of research according to the disaster and the pandemic situation where we explored and analyzed the preliminary data, which is the subject of this paper.

We analyzed data collected from the interviews by using thematic analysis at the first level (as a pilot study). As well as being simple, this method is practical and thus is a suitable to extract preliminary results, and to understand some representations of the young entrepreneurs, regarding the preliminary investigations.

This enables us to prepare a ground, major and in-depth study. In addition, the analysis of the primary data according to such methods is remarkably relevant and appropriate, with disturbance situation and its effects on the research design and its chronological plan.

After an initial investigation, the paradox observed concerns the Algerian youth's reaction to the educational process offered by the family. On the one hand, it can be seen that young entrepreneurs maintain a close relationship with their families. This relationship is a kind of pragmatism evident to a certain extent, which means that the young people keep important interactions with the family as an important basis, and can be referred to this institution when necessary, especially in times of chaos, and predicting future surprises will be difficult.

The overall research perspective on the issue is based on the model of certain theories such as the Weberian theory of culture and the emergence of capitalism and those of Gary Tribou – The New Weberian Approach of Muslim Entrepreneur, The Hofstede's Theory of National Culture (Hofstede, 2010; Hofstede, 2001; Hofstede, 1994; Hofstede, 1987). In addition, the theory of Charles Hampden-Turner and Fons Trompenaars and other analyses can be noted.

## 5. PRELIMINARY RESULTS AND DISCUSSION

The paradox noticed is that despite the strong relationship of the young entrepreneurs with their family, to a certain extent, it seems that this relationship is characterized by a kind of clear and concrete pragmatism. The individualism of the young entrepreneur is in the making, but it remains a hybrid between social bond and reference to a culture of collectivism on the one hand and individualist/entrepreneurial choices on the other.

Young people have an important relationship with the family institution, and it is according to an Algerian daily expression: "I have your back!". This relationship provides them with important support to which they can refer whenever the situation requires it. Therefore, and since this is a real paradox, what is it that makes young people maintain this close relationship with the family institution?

The answer from the field is that the uncertainty of the future and instability make them respect adults and their traditions, even if they do not believe in them, because by confronting them, they risk losing the family support they need, especially in times of unemployment and long waiting periods.

This is particularly true and reflects the social reality that they are living in a time of chaos and where it will be difficult to predict what will happen, and to predict the future and its surprises. This observation shows why, for example, young people's investment choices are marked by low levels of entrepreneurial risk-taking.

It is important to note that the family among young entrepreneurs is an essential foundation that cannot be overlooked; it is the basic capital for the conduct of their entrepreneurial projects. From this perspective, many studies in their classification of the "Mediterranean" entrepreneur in terms of entrepreneurial logic underline the importance of the group and the extended family (parents) social network, the weight of religious belief and belonging to a regional specificity (Marchesnay, Kammoun & Karray, 2006).

Sociologically, the enterprise is a field of production and social reproduction, the family in the process of supporting and incubating their member's projects (the entrepreneur), implicitly expresses its interest in protecting its property and its hoisting. This implies that the family pushes its predisposition to achieve the success of the family entrepreneur (explicitly) and the social status and interests of the family (explicitly). This is consistent with what has been found in a series of recent studies that have indicated the character of entrepreneurship in Algeria, as a new socio-economic space, is directly influenced by the family and the values held by its members (entrepreneur/and or manager) (Gillet, Madoui, 2004; Gillet, 2002; Himrane, Hassani, 2017).

It is important to highlight the fact that the predispositions mobilized express a relationship in the form of moral debt between the person (the entrepreneur) and the family and the reverse. Whereas, these predispositions latently manage the mechanisms of inheritance and reproduction of family values.

As observed in the field, the young Algerian entrepreneur has a strong attitude towards the belief in fatalism, where there is a qualitative correlation (in the first place) between the degree of fatalism and the nature of the motivation toward the entrepreneurship.

This partially confirms the conclusions of Charles Hampden-Turner and Fons Trompenaars (2008). Furthermore, a high degree of fatalism prevails an increased motivation from external sources (community and/or societal). This is the effect of societal culture on motivation, a sort of pollination of entrepreneurial elements by socio-economic and socio-cultural reality and factors.

Young entrepreneurs have representations that associate religion, money and profit, and they perceive that there are limits to that (halal (\*) profit). Among the manifestations of this association is the impact of religious perceptions on the avoidance (by a large proportion of young people) of bank credit with interest. However, these are the same forms of financing for projects established by the state to serve young people (ANSEJ, ANGEM etc.), except that the State is the refunder of bank interests. There are therefore many contradictions in the perception and representation of young beneficiaries, but for them this does not pose a problem, as long as the reimbursement of interest is not their direct responsibility.

Moreover, to a certain extent, young people see both economic and social success as a form of “El-baraka(\*\*)” blessing and, in this context, it is increasingly linked to actions and achievements rather than to people. To this end, we note that the general trend that has emerged in the representations of young entrepreneurs, considers the family as a source of success and social blessing “El-Baraka”. Therefore, the relational form is: family – belief and religiosity – work (Bava, 2002). This reflects the correlation between the two logics, the socio-cultural logic and the entrepreneurial logic.

This shows the existence of a social figure named by Mohamed Madoui (2012) “Religious Entrepreneurs” (Entrepreneur) who seeks economic profit through his/her ambition to achieve wealth and social-symbolic profit by caring for the family, especially parents, and giving charity and “zakat (\*\*\*)” for divine reward<sup>3</sup>.

## 6. CONCLUSION

This paper aimed to contribute to an understanding, in a context of economic and social evolution and transitions, of the nature of the relationship between Algerian family values and youth entrepreneurship and management. The results of the preliminary survey shed light on the reality of youth entrepreneurship in Algeria; it reopens a theoretical and empirical discussion on the issue.

The originality of the exploratory approach lies in the dimensions detected in the field, of a socio-cultural and socio-economic type. The preliminary results allowed not only the identification of multiple factors, but also an understanding of the societal logics that characterize entrepreneurial action.

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### <sup>3</sup> Notes:

(\*) Halal is a Quranic term that means permitted, allowed, lawful or legal (Miskam et al., 2015), and from the website of Halal Food Authority (HFA), the opposite of «Halal» in Arabic is the «Haram», which means forbidden or not allowed (HFA, [www.halalfoodauthority.com](http://www.halalfoodauthority.com)).

(\*\*) El-baraka: A widely used concept in everyday life of Algerian people, it is the Arabic expression is similar to the word “Gracias” and “Berakhah” in Christianity and Judaism. Without the socio-anthropological depth of the term, the common sense of Baraka is the blessing of God, the giving thanks and thankful giving. From the Geertz's work “Literally, Baraka means blessing, in the sense of divine favor. However, from this first meaning, the word came to apply, in a more particular and limited way, to a whole series of associated notions: material prosperity, physical health, bodily satisfaction, fullness, luck, satiety and magic power” (Geertz, 1992).

(\*\*\*) Zakat: According to Aan Jaelani Sanusi, the «Zakat as a religious duty makes an important contribution to society and the state. Zakat is instrumental in the country's fiscal policy. The role of zakat has been practiced by the Prophet Muhammad and his successors who prove that zakat as an important asset that is collected through treasury and used not only to finance the wheels of government but can also guarantee social security. At that time, distributed alms to the people who deserve it (mustahiq), so it can help the stability of the economy» (Jaelani, 2016).

Moreover, modernity plays an important role through the market. The market economy and entrepreneurship represent another Algerian experience after that of industrialization in the 1970s. This incomplete experience leads us to ask again the question of modernity, but at the micro sociological level of young entrepreneurs in Algeria.

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**Mariola GRZEBYK<sup>1</sup>**  
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## **ASSESSING THE ACTIVITIES OF LOCAL ADMINISTRATIONS FROM THE PERSPECTIVE OF SOCIAL PARTICIPATION WITHIN CITIES WITH POWIAT STATUS IN THE PODKARPACKIE PROVINCE OF POLAND**

Social participation is most often perceived as a means of external cooperation between public authorities and citizens. It should be based on a common and consensual identification of problem issues and their resolution in a meaningful way through the exchange and justification of reasons, mutual education, and training and acquisition of civic competences. The basis of social participation in the local dimension is the use of citizens' rights. The active attitude of citizens is an important guarantor in building a civic commune in which residents are not the object but the subject of public policy. Therefore, social participation favors building relations between self-government and citizens based on the principle of partnership and participation in local decision-making processes.

The purpose of the article is to evaluate the activity and involvement of local administration in creating appropriate conditions for the active participation of citizens in the field of social participation. In order to achieve this goal, surveys were conducted among the inhabitants of four cities with powiat status in Podkarpackie Province, Poland, namely, Rzeszów, Krosno, Przemyśl, and Tarnobrzeg. The research has shown that the local community of Podkarpackie cities rarely uses the various forms of social participation offered to them by the local administration. This is why the administration's activities should focus on making residents aware of the benefits of participation. Providing residents with relevant information on the principles, forms, or methods of participation may prejudice the quality of life in a given local government and the course of its development.

**Keywords:** Local administration, social participation, cooperation, inhabitant's activity.

### **1. INTRODUCTION**

In Poland, there has been a growing interest of citizens in public affairs, especially at the local level, for several years now. The issue of citizens' involvement in the process of

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territorial unit management depends on the level of social development of a given community. The aspect of citizen empowerment, giving them appropriate rights, competences and duties is one of the key elements of participatory democracy, its main strength and guarantee of effectiveness.

From a democratic perspective, citizen participation is considered a valuable element of democratic citizenship and democratic decision-making. Participatory and deliberative democrats, in particular, argue that citizen participation has positive effects on the quality of democracy (Michels et al., 2010).

Social participation is primarily conducive to building relations between local government and citizens based on the principle of partnership and participation in local decision-making processes. Its extensive use in local government practice fosters the building of a civic community in which residents are not the object but the subject of public policy. Public participation brings the government closer to the people. It enables citizens to set policy goals and priorities, oversee the actions of the politicians and administrators and hold them accountable for their actions, express points of view, share information and point to their needs and problems, get involved in the decision-making process and many others (Grzebyk et al., 2019; Harula and Radu, 2010).

The emphasis on the importance of social participation can also be found in EU regulations or OECD reports (2001), which have been translated into national documents (including legal ones), and may also take the form of good practices or recommendations.

The aim of the article is to evaluate the activity and involvement of local administration in creating appropriate conditions for active participation of residents in the field of social participation. Its implementation required answers to the following research questions:

- How do the inhabitants of the examined cities perceive the activity of local administration?
- Do the residents know the forms and tools used by local authorities for public participation?
- Which of the forms of participation are considered the most effective by the inhabitants?
- What are the main barriers to public participation according to the residents?

The spatial scope of the research covers all cities with *poviat* status located in Podkarpackie Province, Poland, namely Krosno, Przemyśl, Rzeszów and Tarnobrzeg<sup>3</sup>.

In order to implement the research assumptions of the article, it has been divided into several parts, including a literature review, surveys, analysis of results and conclusions. In order to determine the state of social participation in the mentioned town cities, one of the basic research techniques, i.e. surveys, was used. By using this technique, it was possible to reliably gather and classify data related to the phenomenon of social participation. In addition, the information obtained allowed to determine the scale, degree and dynamics of social participation.

The survey was conducted on 100 people in each city. The criterion for the selection of respondents was the length of time they lived in a given locality, which was at least three years. Living in a given city for a longer period of time allowed inhabitants to be more involved in public affairs. The survey contained a number of both open and closed questions

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<sup>3</sup> In the research part, certain abbreviations have been used to facilitate analysis and for better transparency. The following markings were used: K – Krosno, P – Przemyśl, RZ – Rzeszów and T – Tarnobrzeg.



to obtain the data necessary to recognize and present the studied phenomenon on a local scale. The article is a continuation of the research on social participation conducted by the authors in the cities earlier mentioned.

## **2. TASKS AND ROLE OF LOCAL ADMINISTRATION IN THE FIELD OF SOCIAL PARTICIPATION**

Cities with poviát status are self-governing units that perform both commune and poviát tasks (Kaczmarek, 2016) in various spheres, including communal, social or infrastructural ones. Each of these spheres determines the quality of everyday life of the vast majority of the population and has an impact on the socio-economic growth of the region. Local administration has a service-oriented character towards its inhabitants, so it cannot remain “deaf” to opinions and needs expressed from below. Membership participation has become a veritable strategy for empowerment in the development scene. The participation of community members in development activities enhances capacity building (Uche et. al., 2019).

Social participation is perceived as a way of external cooperation (Kakumba, Nsingo, 2008) between public authorities and residents. It should be based on common and consensual identification of problematic issues and a mutually satisfactory solution to them in a meaningful way, through exchange and justification of reasons, two-way education and training and acquisition of civic competences (Alexiu et.al, 2011; McGann, 2006). Creighton (2005) argues that “public participation is the process by which public concerns, needs and values are incorporated into the governmental and corporate decision-making. It is a two-way communication and interaction, with the overall goal of better decisions that are supported by the public.

Bradbury et al. (1999) argued that public participation should be viewed as a dialogue or a communicative act in which fair and competent processes are emphasized. King et. al. (1998) adds that making decisions in public administration without public participation is ineffective.

Advocates for participation note that policy and development which adopt a bottom-up framework where local communities are actively involved in decision-making, better facilitate the achievement of target objectives.

The basis for social participation in the local dimension is the use of citizens' rights (e.g. direct decision-making through local elections or referendums). As some authors note (Edelenbos, Klijn, 2005; Fishkin, 2009; Harula, Radu, 2010) voting is not the only form of public participation: public debates, public meetings, citizens juries, citizens polls, written notices, comments and suggestions, mailings etc. do not even manage to exhaust the list of all possible instruments either citizens or officials can use in order to enhance the public participation dimension of the policy making process.

Some authors suggest (Innes, Booher, 2007) that participation should be understood as a multi-way set of interactions among citizens and other players who together produce outcomes. Authentic dialogue, networks and institutional capacity are the key elements. Next steps involve developing an alternative practice framework, creating forums and arenas, adapting agency decision processes, and providing training and financial support.

Brynard (1996) outlines the following as the objectives of citizen participation: provide information to citizens; get information from the citizens; improve public decisions, programs, projects, and services; enhance acceptance of public decisions, programs,

projects, and services; supplement public agency work; alter political power patterns and resource allocation; protect individual and minority group rights and interests; and delay or avoid complicating difficult public decisions.

Information dissemination is the simplest form of participation which translates into informing citizens about decisions that affect them. The information function should be a standard procedure for the functioning of public administration (Kasymova, 2014). In Poland, information is the basic duty of local authorities and is an important instrument for building trust between local authorities and citizens. Local authorities have the task of informing the inhabitants about the actions taken. The increase in factual and complete information leads to increased public trust in the work of local administration. The information process itself can be carried out through such channels as newsletters, brochures, press articles or websites.

Consultation is the next stage of engagement, which is not binding though, but takes into account the opinions of the citizens. At this stage, the decisions taken by the authorities are consulted with the citizens before approval. Consultations take an active form and may result in a change in the decision of the authorities during the chosen discussions. The areas which local authorities have a top-down obligation to consult residents include: Preparing a study of conditions and directions of spatial development of the commune and local spatial development plans, as well as creating auxiliary units of the commune. The use of public consultations at the planning stage facilitates the implementation of projects at a later stage, while mitigating potential local conflicts and disputes. An element that may prevent the authorities from conducting public consultations may be its time consumption, relatively high costs, low culture of consultations or lack of interest by the residents (Kasymova, Schachter, 2014).

The acceptance of co-decision making is the strongest incentive for the participation and engagement of the local community in building social democracy together (Irvin and Stansbury, 2004). It assumes active participation of citizens at the stages of making public decisions as well as in their implementation. It is a relationship that focuses on involving NGOs, private sector entities and the citizens' initiative in eliminating local problems and determining key decisions relating to the local community. It is a deliberate procedure whose intention is to effectively manage the common good by public authorities. The participation of local citizens is intended to make rational decisions.

Given the intensity of participation, it should be noted that information is characterized by low intensity of social activity, medium and high intensity for consultation, and for co-decision respectively. It is widely believed that the participation process is seen to be effective if all three of the above-mentioned forms of participation, i.e. information sharing, consultation and co-decision taking, are fulfilled by the parties engaged in the participation process (Wójcicki, 2013).

### **3. STATE AND ASSESSMENT OF LOCAL ADMINISTRATION'S ACTIVITIES BY INHABITANTS IN THE PROCESS OF SOCIAL PARTICIPATION**

This part of the article will present the results of surveys conducted among the inhabitants of the cities examined in Podkarpackie Province. An important constituent of the local administration is the establishment of a social participation unit within its set up. Surveys show that respondents of the cities covered lack knowledge concerning the functioning of the social participation unit in their city council offices. Consequently, the

respondents evaluated the effectiveness of the forms of participation applied by the local office in their city (Table 1). Analysis of the results shows that information sharing and consultation was rated by residents mostly as moderately effective. According to the respondents, co-decision taking is little or, at most, moderately effective.

Table 1. Evaluation of the effectiveness of individual forms of social participation used by a given city council

FORM	RATING	ANSWER STRUCTURE [%]			
		K	P	RZ	T
INFORMATION SHARING	I have no opinion	22.5	15.0	15.0	17.5
	Not effective	12.5	22.5	5.0	7.5
	Medium effective	<b>40.0</b>	<b>57.5</b>	10.0	<b>62.5</b>
	Highly effective	25.0	5.0	<b>70.0</b>	12.5
CONSULTATION	I have no opinion	25.0	22.0	12.5	15.0
	Not effective	<b>32.5</b>	5.0	35.0	17.5
	Medium effective	27.5	<b>70.0</b>	<b>42.5</b>	<b>57.5</b>
	Highly effective	15.0	2.5	10.0	10.0
CO-DECISION TAKING	I have no opinion	<b>47.5</b>	20.0	17.5	12.5
	Not effective	27.5	<b>47.5</b>	<b>67.5</b>	10.0
	Medium effective	12.5	20.0	15.0	<b>70.0</b>
	Highly effective	12.5	12.5	0.0	7.5

Source: Own study based on research results.

Table 2 presents the most common reasons for not responding to events organized by the local public administration. Research results show that the most frequently mentioned reasons include: lack of time, insufficient promotion of events, lack of sufficient motivation, difficulty getting to places where the events take place and the limited number of events that are relevant to the interests of residents. The data is similar to an earlier research carried out by the Public Opinion Research Center, May 2011, on the social activity of Poles – their level of involvement and motivation. A comparison of both studies indicate that the decisive reason, both a few years ago and now, for the low engagement of residents in social activities is the lack of time<sup>4</sup>.

Table 3 shows the assessment of the form and scope of information expected by residents from their city council. Most respondents, in all four cities, mostly expect information regarding the schedules of their activities, working hours and contacts, as well as the theme of festivities and events planned for the city, including job offers from city councils.

<sup>4</sup> <https://www.cbos.pl> [Access: 30.11.2019].

Table 2. The most common reasons for not being involved in events organized by the local public administration

REASON FOR LACK OF COMMITMENT	ANSWER STRUCTURE [%]			
	K	P	RZ	T
Lack of time	67.5	70.0	<b>80.0</b>	<b>87.5</b>
Difficulties of accessing places, where events take place	17.5	15.0	12.5	10.0
Limited events that are relevant to the interests of residents	10.0	17.5	17.5	17.5
Insufficient promotion	40.0	25.0	25.0	5.0
Insufficient motivation	<b>87.5</b>	<b>77.5</b>	37.5	77.5
Costs	5.0	2.5	0.0	7.5
Age	10.0	10.0	10.0	12.5
Health	2.5	7.5	0.0	7.5

Source: Own study based on research results.

Table 3. The scope of information expected by residents from the city council

SCOPE OF INFORMATION	*ANSWER STRUCTURE [%]			
	K	P	RZ	T
News of city council activities	<b>100.0</b>	<b>85.0</b>	<b>95.0</b>	<b>92.5</b>
Working time and contact	80.0	62.5	72.5	75.0
Education	17.5	20.0	25.0	30.0
Photo galleries and cinemas	7.5	0.0	2.5	25.0
Information concerning participatory budget	15.0	12.5	7.5	7.5
Information about festivals and events in the city	82.5	52.5	32.5	52.5
Information on public consultations	17.5	5.0	7.5	2.5
Information on regulations / office duties.	52.5	27.5	40.0	7.5
Job offers	70.0	45.0	52.5	77.5
City real estate offers	15.0	17.5	22.5	15.0
Research publications	5.0	0.0	0.0	5.0
Revitalization	35.0	17.5	15.0	55.0
Matters being executed	12.5	45.0	20.0	32.5
Authorities	7.5	2.5	0.0	2.5

\* The total of responses do not add up to 100% due to the possibility of choosing a maximum of 3 answers by respondents

Source: Own study based on research results.

Table 4 presents the information tools most often offered by the city councils and most readily used by residents. The residents use websites, social networking sites, the Public Information Bulletin, the Council's service catalogue, posters, folders, leaflets, information placed on noticeboards and public buildings, resident's forums and local mass media.

Table 4. Information tools most often used by residents to assess information offered by a given city council

TOOLS USED	ANSWER STRUCTURE [%]*			
	K	P	RZ	T
Public Information Bulletin (BPI)	75.0	65.0	82.5	92.5
Cyclical reports on the authority's activities	7.5	10.0	5.0	5.0
Information from the council session	10.0	2.5	7.5	10.0
Office services catalogue	40.0	47.5	37.5	7.5
Posters, folders, leaflets	52.5	40.0	45.0	15.0
Information points in government offices	20.0	30.0	27.5	20.0
Websites	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	97.5
Information on noticeboards and public buildings	30.0	32.5	22.5	67.5
Office hours of the executive	0.0	0.0	0.0	2.5
Residents' forums	77.5	42.5	90.0	97.5
Helplines	0.0	0.0	0.0	0.0
Local mass media	77.5	57.5	92.5	2.5
Mailing, newsletter	10.0	0.0	5.0	2.5
Social media	<b>100.0</b>	77.5	<b>100.0</b>	<b>100.0</b>
Meetings with representatives of opinion leaders	0.0	0.0	0.0	30.0
SMS notification system	0.0	0.0	0.0	7.5

\* The total of responses do not add up to 100% due to the possibility of choosing a maximum of 3 answers by respondents

Source: Own study based on research results.

Public consultations are another form of local community involvement in the cities' social life (Table 5). The information obtained shows that the majority of the responding residents do not participate in public consultations. In Krosno, every third respondent participates in social consultations, while in Przemyśl and Tarnobrzeg every eighth person participating in the survey.

Table 5. Participation of residents in social consultations organized by local authorities

SPECIFICATION	STRUKTURA ODPOWIEDZI [%]			
	K	P	RZ	T
YES	30.0	12.5	17.5	12.5
NO	<b>70.0</b>	<b>87.5</b>	<b>82.5</b>	<b>87.5</b>

Source: Own study based on research results.

Respondents, participants in public consultations, were also asked about their degree of involvement in this form of social participation offered by city councils (Table 6). All respondents participating in public consultations organized by the city councils rated their degree of involvement as incidental rather than active.

Table 6. Degree of local community involvement in social consultations

FORM	Ocena	ANSWER STRUCTURE [%]			
		K	P	RZ	T
CONSULTATION	Incidental participation	<b>22.5</b>	<b>10.0</b>	<b>12.5</b>	<b>7.5</b>
	Active participation	7.5	2.5	5.0	5.0

Source: Own study based on research results.

In turn, the results of the research into aspects of consultations in which residents participate are presented in Table 7. Areas of consultation in which inhabitants of all cities with powiat status in the Podkarpackie Province most often take part in include: consulting draft resolutions, development strategies and social problems. In Krosno and Tarnobrzeg, respondents are also involved in social consultations regarding education and education. In Krosno and Rzeszów, the studied local community participates in social consultations that relate to infrastructure investments.

Table 7. Participation of residents in individual areas of consultation

CONSULTATION AREA	ANSWER STRUCTURE [%]*			
	K	P	RZ	T
Public safety	0.0	0.0	0.0	0.0
Education and education	<b>27.5</b>	0.0	0.0	<b>7.5</b>
Infrastructure investments	<b>20.0</b>	0.0	2.5	0.0
Consulting draft resolutions	5.0	<b>10.0</b>	<b>10.0</b>	5.0
Environmental Protection	0.0	0.0	0.0	0.0
Social problems	<b>15.0</b>	<b>7.5</b>	25	0.0
Sport and Recreation	0.0	0.0	0.0	0.0
Development strategy	7.5	<b>7.5</b>	<b>7.5</b>	<b>12.5</b>
Tourism	0.0	0.0	0.0	0.0
Public services	0.0	0.0	0.0	0.0
Spatial planning	12.5	5.0	0.0	5.0

\* The total of responses do not add up to 100% due to the possibility of choosing max 3 answers by respondents

Source: Own study based on research results.

Table 8 presents the tools applied in public consultation most recognizable by residents. The responses include, amongst others, direct meetings with residents and NGOs, meetings with specific target groups and meetings with expert or problem teams.

Table 8. Citizens' recognition of social consultation tools used by city councils

LIST OF SOCIAL CONSULTATION TOOLS	ANSWER STRUCTURE [%]*			
	K	P	RZ	T
Direct meetings with residents	<b>30.0</b>	0.0	<b>17.5</b>	10.0
Direct meetings with non-governmental organizations	10.0	<b>10.0</b>	7.5	7.5
Online consultation, sms	0.0	0.0	0.0	10.0
Opinion poll	0.0	2.5	0.0	0.0
Meetings with specific target groups	2.5	7.5	5.0	<b>12.5</b>
Meetings with expert and problem teams	7.5	2.5	2.5	0.0
Cooperation triangle	0.0	0.0	0.0	0.0

\* The total of responses do not add up to 100% due to the possibility of choosing max 3 answers by respondents

Source: Own study based on research results.

Another form of participation of residents in social life is co-decision taking. The participation of inhabitants in this form is presented in Table 9. The vast majority of responding residents of the cities covered do not participate in the form of social participation, namely co-decision taking. This is confirmed by the results of research on the public activity of Poles. According to the European Social Survey, in 2005 the average value of the public activity indicator in Poland was 3–4 times lower than the European average<sup>5</sup>.

Table 9. Share of residents in the form of co-decision taking

SPECIFICATION	ANSWER STRUCTURE [%]			
	K	P	RZ	T
YES	7.5	7.5	10.0	5.0
NIE	<b>92.5</b>	<b>92.5</b>	<b>90.0</b>	<b>95.0</b>

Source: Own study based on research results.

Persons participating in the analyzed form of participation also identified other areas of this cooperation. The data is presented in Table 10. The areas of co-decision taking in which the inhabitants of all cities with powiat rights of the Podkarpackie Province take part are: the civic/participatory budget, social welfare, local development and spatial development. In addition, social issues are important in Krosno, and education is important in Tarnobrzeg.

The co-decision taking tools used by the residents, which are used by the city hall, are presented in Table 11. A common consensus tool used by all city councils is to reach a consensus. In addition, in Krosno, the local community is oriented towards the involvement of auxiliary units and meetings with opinion leaders. In Tarnobrzeg, respondents know about decentralization of powers towards auxiliary units.

<sup>5</sup> [http://eu.ngo.pl/files/ue.ngo.pl/public/materialy\\_analazy/przewodnik\\_ost.pdf](http://eu.ngo.pl/files/ue.ngo.pl/public/materialy_analazy/przewodnik_ost.pdf) [Access: 28.11.2019].

Table 10. Participation of residents in co-decision by individual areas

CO-DECISION TAKING AREA	ANSWER STRUCTURE [%]*			
	K	P	RZ	T
Public safety	0.0	0.0	0.0	0.0
Civic/participatory budget	2.5	<b>7.5</b>	<b>7.5</b>	2.5
Education	0.0	0.0	0.0	5.0
Infrastructure investments	0.0	0.0	0.0	0.0
Social care	<b>7.5</b>	2.5	2.5	<b>5.0</b>
Local development	5.0	<b>7.5</b>	2.5	<b>5.0</b>
Technical services	0.0	0.0	0.0	0.0
Spatial planning	5.0	2.5	5.0	2.5
Social issues	2.5	0.0	0.0	0.0

\* The structure of answers does not add up to 100% due to the possibility of choosing max 3 answers by respondents

Source: Own study based on research results.

Table 11. Co-decision taking tools known by residents used by the city council

CO-DECISION TAKING TOOLS CATALOG	ANSWER STRUCTURE [%]*			
	K	P	RZ	T
Direct resolution initiative	0.0	0.0	0.0	0.0
Decentralization of powers towards auxiliary units	0.0	0.0	0.0	<b>5.0</b>
Local Citizens' Councils	0.0	0.0	0.0	0.0
Negotiations	0.0	0.0	0.0	0.0
Referendum	0.0	0.0	0.0	0.0
Consensus	5.0	<b>10.0</b>	<b>10.0</b>	5.0
Involvement in the activities of ancillary units	<b>17.5</b>	0.0	0.0	0.0
Meeting with opinion leaders	5.0	0.0	0.0	0.0

\* The structure of answers does not add up to 100% due to the possibility of choosing max 3 answers by respondents

Source: Own study based on research results.

The respondents were also asked about the barriers hindering social participation. The results of the survey are presented in Table 12. The main barriers to social participation that limit cooperation with social administration according to residents include: lack of interest of residents, lack of citizen awareness, lack of knowledge of residents about their rights, lack of financial resources, lack of interest in cooperation among public administration employees and poor communication between the office and the residents. Interestingly, the residents of Przemyśl, Rzeszów and Tarnobrzeg also mentioned the lack of a suitable room within the office building, although it exists in all offices. This indicates a poor understanding of the office's activities in this area by the respondents.



Table 12. Barriers of social participation

BARRIERS	ANSWER STRUCTURE [%]			
	K	P	RZ	T
Lack of interest of residents	65.0	<b>80.0</b>	<b>77.5</b>	<b>90.0</b>
Lack of financial resources	27.5	45.0	12.5	50.0
No public internet access	0.0	0.0	2.5	5.0
Lack of appropriate space in the office buildings	0.0	12.5	30.0	9.0
No specific communication procedures	10.0	5.0	0.0	7.5
Lack of interest in civic duties by residents	<b>85.0</b>	72.5	62.5	37.5
Lack of knowledge of residents about their rights	77.5	52.5	55.0	52.5
Lack of interest in cooperation from public administration employees	30.0	32.5	15.0	47.5
Corruption, nepotism, bureaucracy	0.0	0.0	0.0	0.0
Poor communication between the office and the residents	10.0	5.0	5.0	7.5
The way of exercising power	2.5	0.0	0.0	0.0

Source: Own study based on research results.

Residents were also asked about their knowledge of the city's cooperation program with non-governmental organizations. Answering this question, for the most part, respondents opined that they do not have information on the functioning of the city's cooperation program with non-governmental organizations. The highest level of lack of information in this respect was found amongst Przemyśl, Rzeszów and Tarnobrzeg local communities. Over 70% of respondents in these cities are uninformed in this matter.

Table 13 presents the councils' known forms of cooperation with non-governmental organizations. In Krosno, Przemyśl and Tarnobrzeg, the forms of cooperation between the councils and NGOs best-known to respondents are: assistance in creating the proper image of non-governmental organizations and local government including the outsourcing of projects. In Krosno, Przemyśl and Rzeszów, respondents are aware of local authority's grant/subsidies and recommendations to non-governmental organizations. Inhabitants of these three cities are also able to identify social problems within their local communities. In addition, residents in Krosno noticed that the cooperation between local authorities and NGOs creates conditions for mutual enlightenment regarding the role of councils' institutions and NGOs. Respondents in the capital of the Podkarpackie province noticed that the cooperation between local public administration and non-profit organizations encourages entrepreneurs to sponsor best projects of these organizations.

Table 13. Forms of cooperation between councils and non-governmental organizations known to the residents

FORMS OF COOPERATION	ANSWER STRUCTURE [%]			
	K	P	RZ	T
Mutual enlightenment on the role of council's institutions and NGOs	15.0	0.0	0.0	0.0
Organizing special purpose funds	0.0	0.0	0.0	0.0
Help in creating the proper image of NGOs and local governments	32.5	0.0	0.0	12.5
Granting of subsidies	<b>35.0</b>	<b>17.5</b>	<b>25.0</b>	0.0
Common identification of social problems	0.0	0.0	0.0	<b>10.0</b>
Organizing training consultations, conferences	17.5	0.0	10.0	0.0
Task outsourcing	25.0	12.5	0.0	0.0
Encouraging entrepreneurs to sponsor best NGO projects	0.0	0.0	20.0	0.0
Giving recommendations to non-governmental organizations	5.0	0.0	12.5	0.0

Source: Own study based on research results.

The spheres of cooperation between the councils and NGOs known to the inhabitants are presented in Table 14. Residents of all local governments that participated in the survey know the areas of the city's cooperation with non-governmental organizations. These include culture, health care, sport, tourism and recreation. In addition, in Krosno, Przemyśl and Tarnobrzeg, respondents pointed to such areas as: the exclusion of the elderly and the disabled, as well as social services and social assistance. In Przemyśl and Tarnobrzeg, on the other hand, the residents pointed at local community exchange education.

Table 14. The sphere of cooperation between the councils and non-governmental organizations known to the residents

AREA OF COOPERATION	ANSWER STRUCTURE [%]			
	K	P	RZ	T
Environmental safety	0.0	0.0	0.0	0.0
Animal safety	0.0	0.0	0.0	0.0
Education	0.0	10.0	0.0	17.5
Culture	27.5	<b>15.0</b>	12.5	12.5
Healthcare	15.0	12.5	<b>27.5</b>	<b>25.0</b>
Law	5.0	0.0	0.0	0.0
Countering the exclusion of the elderly and the disabled	20.0	10.0	22.5	22.5
Labor market	0.0	0.0	0.0	0.0
Sport, tourism, recreation	<b>32.5</b>	<b>15.0</b>	0.0	7.5
Social services and social assistance	27.5	0.0	<b>27.5</b>	20.0

Source: Own study based on research results.

The respondents were, next, asked if social initiatives were supported and in what form. According to the results of the survey, residents generally do not have information about the support for social initiatives by the respective councils. In Krosno, only 5% of people confirmed that they have such information, and they relate to co-financing social projects and organizational assistance from the office.

A manifestation of the inhabitants' involvement in the social life of the council is their knowledge about the use of participatory budget by the local administration – Table 15. The results of the research show that over half of the residents of Przemyśl and Rzeszów have knowledge about the use of participatory budget by the council office. In the other two local governments, the inhabitants' knowledge about the implementation of the participatory budget is less.

Table 15. Respondents' knowledge of how the city council applied the participatory budget

SPECIFICATION	ANSWER STRUCTURE [%]			
	K	P	RZ	T
YES	35.0	<b>52.5</b>	<b>85.0</b>	47.5
NO	<b>65.0</b>	47.5	15.0	<b>52.5</b>

Source: Own study based on research results.

Table 16 shows the participation of residents in activities related to the implementation of the participatory budget. Most of the surveyed residents do not participate in activities related to the implementation of the participatory budget. The turnout in such initiatives did not exceed 20% in any of the cities with powiat status in the Podkarpackie province.

Table 16. Participation of residents in activities related to the implementation of the participatory budget

SPECIFICATION	ANSWER STRUCTURE [%]			
	K	P	RZ	T
YES	20.0	20.0	12.5	15.0
NO	<b>80.0</b>	<b>80.0</b>	<b>87.5</b>	<b>85.0</b>

Source: Own study based on research results.

Table 17 presents the categories of participatory budget projects most frequently selected by residents. Participatory budgeting can relate to various categories projects that improve residents' standard of living in a given area. Most often, respondents vote for those areas of participatory budget projects that are related to education, road infrastructure, courtyards, revitalization, sport, pedestrian and bicycle infrastructure, as well as for projects related to playgrounds.

Benefits noticed by respondents in connection with the use of civic/participatory budget are presented in Table 18. According to the respondents, the positive aspects of the functioning of the civic/participatory budget are: developing civic attitudes and increasing trust in the activities of local administration. In addition, in Krosno and Rzeszów, the respondents noted the increase in citizens' knowledge regarding the application of the

civic/participatory budget, while in the case of Krosno and Rzeszów increased efficiency of the management of public funds received more attention.

Table 17. Categories of participatory budget projects most frequently chosen by residents

PROJECT CATEGORIES	ANSWER STRUCTURE [%]			
	K	P	RZ	T
Education	17.5	0.0	10.0	7.5
Road infrastructure	7.5	15.0	12.5	12.5
Pedestrian and bicycle infrastructure	0.0	0.0	10.0	0.0
Collective Communication	12.5	0.0	7.5	0.0
Playgrounds	0.0	0.0	0.0	0.0
Courtyards	5.0	10.0	2.5	0.0
Revitalization	10.0	0.0	7.5	10.0
Sport	7.5	10.0	10.0	0.0
Municipal greenery and recreation	0.0	0.0	5.0	0.0

Source: Own study based on research results.

Table 18. Benefits noticed by respondents in relation to the functioning of the participatory budget

BENEFITS	ANSWER STRUCTURE [%]			
	K	P	RZ	T
Increased confidence in local administration	15.0	17.5	7.5	0.0
Developing civic attitudes	15.0	12.5	12.5	12.5
More effective financial management	10.0	0.0	12.5	0.0
Access to information on budget management	7.5	0.0	10.0	0.0
Enhanced citizens' knowledge	12.5	10.0	7.5	10.0

Source: Own study based on research results.

#### 4. CONCLUSION

The challenges facing local governments mean that the management of local government administration offices is increasingly turning to methods that can contribute to their better functioning (Haruta, Radu, 2010). One of these methods is the active participation of the local community in public life. Pimbert and Wakeford (2001) state that 'democracy without citizen deliberation and participation is ultimately an empty and meaningless concept'. Providing citizens with active participation in decision-making processes is becoming more and more a sign of the times. Values such as social dialogue at the local level, good local co-governance, political consensus, skilful building of social agreement around the goals of local development or dissemination of local partnership are becoming a kind of primer for every public manager (Roberst, 2004).

The research conducted on the assessment of local administration by residents in the context of the process of social participation unfortunately showed that the local community in Podkarpackie cities with powiat status is not sufficiently oriented in this matter. Various forms of social participation are rarely used, and the main reason for this is, according to the respondents, the lack of time. However, our country lacks the tradition of social participation, and in consequence strong NGOs and active citizenship. In order for the community of a given commune to be fully democratic, local authorities should strive to encourage their residents' active participation. Civil society is one that is accustomed to being involved in matters of the common good at local and supra-local levels and actively operating in the public forum.

Respondents who participate in social participation confirmed that the most effective form of its implemented by local government administration offices is information sharing, followed by consultation. According to respondents, co-decision making is not very efficient.

Information sharing, i.e. low levels of participation, uses a one-way, passive communication mechanism. It can be limited to providing only selected information, using one communication channel. Nowadays, an entire range of tools for information sharing is available. The most commonly used by residents and offered by council offices include websites and social networking sites.

Consulting (considered as the average intensity of participation) is another form of social participation, which involves a two-way communication, i.e. a mechanism for asking, consulting opinions and obtaining feedback. Studies have shown that the inhabitants of the studied cities with powiat status in the Podkarpackie Province most often take part in such areas of consultation as draft resolutions, development strategies and social problems. The most well-known tools of social consultations to city residents are: direct meetings with residents and NGOs, meetings with specific target groups as well as meetings with expert or problem teams.

The last form of participation is participation and co-decision taking as elements of high intensity of participation, based on partnership (public-public, public-social and public-private), assuming symmetrical communication. The most frequently mentioned areas of co-decision taking, in which the inhabitants of all cities in Podkarpackie Province with powiat status take part include the city budget, social care, local development and spatial development. The participatory budget has been the most popular in recent years. However, due to the limited amount of funds allocated for this purpose, this form should be considered symbolic.

Research results provide practical guidance for local administration, whose activities should focus on making residents aware of the benefits of social participation. Providing residents with relevant information on the principles, forms or methods of participation may prejudice the quality of life in a given local government and the course of its development.

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## **ECONOMIC COOPERATION OF THE PEOPLE'S REPUBLIC OF CHINA WITH THE INDEPENDENT SOUTH SUDAN**

The subject of the paper is economic cooperation between the People's Republic of China and South Sudan during the first decade of independence of the African state. The introduction discusses the methodological assumptions of the paper. The first section is devoted to discussing cooperation between countries in the in the oil sector. This is the main area of economic cooperation between states and the oil is the dominant commodity for trade. Its extraction and import by China are systematically hindered due to internal and external conflicts of South Sudan. The second section discusses other aspects of economic cooperation between states. The principles on which economic cooperation is based on are presented. The main areas of interest of Chinese enterprises in South Sudan were outlined. The most important economic agreements concluded between countries were indicated. Development and humanitarian aid provided by China to South Sudan were discussed. The possibilities and requirements necessary to deepen economic cooperation between countries were analyzed.

The purpose of the paper is to discuss, analyze and asses cooperation of the People's Republic of China with independent South Sudan. The main research problem is contained in the question of how economic relations between countries are shaped and what conditions have the greatest impact on them. The main research hypothesis is that economic relations between China and South Sudan are characterized by clear asymmetry and focus on the oil sector. They are above all conditioned by a large difference in the economic potential of states and their roles in the global economic system. The possibility of strengthening and developing economic cooperation mostly depends on the stability of South Sudan.

**Keywords:** People's Republic of China, South Sudan, economic cooperation, crude oil.

### **1. INTRODUCTION**

The People's Republic of China (PRC) initiated friendly economic cooperation with southern Sudan as early as 1970 by sending teams of medics and agriculture experts. This cooperation adopted a formal framework in 2005 with the signing of the Comprehensive Peace Agreement between the parties to the civil war in Sudan and the creation of the Autonomous Government of South Sudan (Embassy of the People's Republic of China in South Sudan). On July 9, 2011, South Sudan declared independence, which was confirmed

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by the PRC on the same day. This event resulted in the full empowerment of South Sudan in its relations with China.

The purpose of the paper is to discuss, analyze and assess economic relations between the People's Republic of China and independent South Sudan. The main research problem is contained in the question of how economic relations between countries are shaped and what conditions have the greatest impact on them. The guiding research hypothesis is that economic relations between China and South Sudan are characterized by clear asymmetry and focus on the oil sector. They are above all conditioned by a large difference in the economic potential of states and their roles in the global economic system. The possibility of strengthening and developing these relations in sectors other than oil depends in turn on stabilizing the security in South Sudan.

So far, South Sudan has not played a significant role in China's economic policy, but this may change in the long run. This is primarily due to the fact that the country possesses significant deposits of natural resources, including primarily crude oil. Chinese enterprises are also interested in other economic sectors, mainly infrastructure. In turn, for South Sudan, the PRC is a strategic and key economic partner. First of all, South Sudan depends on revenues from oil exports to the Middle Kingdom. In addition, it can benefit from both financial and development assistance from China. The possibility of modeling on the methods of economic transformation of a powerful partner is also of great importance. Among other things, it can use the PRC's experience in poverty alleviation, acquiring modern technologies or boosting foreign investment (Xinhua, yan, 2019). The rapidly developing economic cooperation of the PRC with South Sudan in the first years of its statehood allowed the young African state to record impressive economic growth. However, it was slowed down by the escalating civil war, which resulted in the suspension of most Chinese investments and development projects in South Sudan.

## **2. CRUDE OIL PRODUCTION**

The first investments of Chinese oil companies in southern Sudan have been implemented since 1995. In 1996, the Government of China (GOC) granted Sudan the first subsidized loan for oil production with China National Offshore Oil Corporation (CNOOC) (Zhao, 2017). In the late 1990s, the internal conflict between the northern and southern parts of the country intensified. As a result, Western countries imposed economic sanctions on Sudan and withdrew most companies from its territory, expecting the same from Chinese enterprises (Lanteigne, 2016). However, these have not ceased extraction of oil from deposits located in both parts of the country (Gaudreau, 2016). In 2005, the share of Sudanese crude oil in total Chinese oil imports exceeded 5%. In 2006, China imported 47% of crude oil extracted in Sudan. In 2007, China accounted for 64% of all Sudan trade (Lanteigne, 2016). However, the value of China's investments in the Sudanese oil mining sector dropped successively from USD 1.5 billion in 2000–2005 to USD 533 million in 2006–2011. As a result of the outbreak of the conflict between Sudan and South Sudan, in 2012–2014 Chinese companies did not make any investments in the oil sector in any of the Sudanese countries (Johanson, 2016).

After the splitting of Sudan into two countries in July 2011, the Chinese authorities immediately recognized the subjectivity of South Sudan. They wanted to establish political and economic relations with the new state as soon as possible. This was in line with the expectations of South Sudan, which was financially dependent on oil exports to China and

counted on development support from the world economic power. After the division of the country, China's dominant position on the Sudan oil market translated into a dominant position on the South Sudan oil market. Most Western oil companies did not dare to enter it because of internal and external conflicts and deep corruption of the state. Initially, this did not discourage Chinese state-owned oil companies that had previously carried out high-risk investments in destabilized and highly corrupt countries (Bodetti, 2019). Especially in the period between 2011 and 2013, i.e. after the emergence of South Sudan and before the outbreak of the civil war in that country, Chinese companies saw it as a place worthy of economic involvement. Therefore, they continued to implement previously initiated investments in the oil sector, which resulted in an increase in the number of Chinese working and living in South Sudan (Ali, 2018).

Beijing was motivated to develop economic relations with Juba, but without damage to traditionally friendly relations with Khartoum. The Republic of Sudan was an important supplier of crude oil to China and in the exemplary 2014 its share in total Chinese crude oil imports was about 2% (Wu, Zhang, 2017). Nevertheless, the oil potential of South Sudan was even more impressive because about 75% of Sudan's oil fields were located on its territory. In January 2014, reserves of approximately 3.5 billion barrels of oil worth USD 38 billion were confirmed in South Sudan (Hodzi, 2017). Although the new state became the third largest holder of oil reserves in Sub-Saharan Africa, after Nigeria and Angola, it was dependent on the Sudan transmission network. At the beginning of 2012, the share of crude oil from South Sudan in total Chinese oil imports was only about 1% (Regler, 2016).

After the independence of South Sudan, the GOC confirmed that it will respect oil contracts concluded with the Sudan government regarding oil fields of the new state (China Grants...). Chinese companies, however, had to negotiate with the government in Juba to adapt their contracts to the new political, social and economic reality. While the financial conditions of the contracts were, in principle, maintained, it was necessary to regulate previously neglected issues regarding employment, and social and environmental conditions. This was to reduce the dissatisfaction of local communities and stop their attacks (Attree, 2012). In addition, Juba tried to secure itself against the consequences of downtime in oil production due to political factors, including the escalating conflict with Khartoum (International Crisis Group, 2012). Quick agreement was in the interest of both parties, as Chinese companies control most of South Sudan's oil reserves. China National Petroleum Corporation (CNPC) holds 41% of shares in the largest South Sudanese oil consortia, i.e. Dar Petroleum Operating Company (DPOC) and the Greater Nile Petroleum Operating Company (GNPOC). In addition, another Chinese mining company – Sinopec – holds a 6% stake in DPOC. (Hodzi, 2017). Over the first decade of South Sudan's existence, invariably around 98% of government revenues came from oil fields (Nyabiage, 2019). At that time, almost all of South Sudan's oil exports went to China (Eberling, 2017).

Shortly after independence of South Sudan, tensions with neighboring Sudan increased due to the shape of the border and access to the oil transmission network. The escalating conflict put Beijing in a difficult situation and forced him to implement a skilful policy of balancing between states (Lanteigne, 2016). In the first years of South Sudan, there was distrust between Juba and Beijing, which also affected Chinese oil companies. This resulted from Juba's unwillingness to traditionally close relations between Beijing and Khartoum. The escalating conflict over oil transmission between South Sudan and Sudan led to the expulsion in February 2012 of Liu Yingcai, president of the Chinese-Malaysian oil company Petrodar, which is part of the CNPC group. In addition, the government of South

Sudan investigated the participation of GNPOP in triggering the interstate crisis and even threatened to withdraw from contracts with this consortium (Ali, 2018).

In January 2012, South Sudan suspended oil exports for fourteen months and thus lost its source of income. The main reason was the inability to agree with a northern neighbor on charges for the transfer of oil by Sudanese pipelines to the Port of Sudan on the Red Sea (Zweig, 2016). At the end of March 2012, border fighting broke out over the oil fields located there. Both Juba and Khartoum expected Beijing to take on the role of conciliator. Although China got involved in these activities, in both Sudanese countries there remained a dissatisfaction as to the specifics and scale of Beijing's help in resolving the conflict (International Crisis Group, 2012). China wanted a quick end to the conflict, but with impartiality towards its participants. Finally, in March 2013, the states withdrew their armed forces from the border area, and in April South Sudan resumed oil extraction and transit through Sudan. The economy of South Sudan has survived this difficult time mainly thanks to loans from China and other countries (Nield, 2013).

The conflict between Sudanese countries has forced China to consider alternative routes for oil transport from South Sudan (Johanson, 2016). Two proposals have become of particular interest. The first concerns the construction of a pipeline from Juba to the port city of Lamu in Kenya. The second involves the construction of a pipeline through Ethiopia to the port in Djibouti, which could cost approximately USD 4 billion (Eberling, 2017). Preliminary agreements regarding the feasibility of building both of these pipelines were concluded in 2012 (Djama, 2012). Later, both projects were discussed at a number of meetings, including the East Africa Oil and Gas Summit (EAOGS) in Nairobi in October 2013 (Shaw, 2016). Implementation of projects, however, prevented the outbreak of civil war in South Sudan on December 15, 2013 between the Dinka and Nuer tribes.

As a result of the outbreak of the internal conflict in December 2013, CNPC was forced to temporarily close key oil fields located in the states of Unity and Upper Nile because they were in rebel controlled territory. At the same time, CNPC evacuated about 97% of Chinese staff to Juba. It was a good decision because oil fields, like for example the Adar Yale oil field in the Upper Nile, were attacked many times. It is worth noting, however, that about 90% of the workers employed by CNPC in the South Sudan oil fields are local people (Wenting, 2019). At the beginning of the conflict, oil production in South Sudan fell by 20%, and as a result of increased fighting and a dramatic drop in oil prices in the world (from USD 110 in July 2014 to USD 35 in January 2016 per barrel) in 2014 and 2015 production was about 40% lower. For this reason, South Sudan's revenues dropped from USD 7.4 billion in 2011 to USD 4.2 billion in 2016. The civil war in South Sudan also negatively affected the profits of Chinese oil companies operating on this market (Hodzi, 2017).

In July 2018, a peace agreement was concluded between the leaders of political parties representing conflicted tribes. As a result, China has again intensified its efforts to strengthen its position in the South Sudan oil market. CNPC won the competition to extract hydrocarbons from deposits located in the center of the country, beating companies from France and Kuwait. In August 2018, the Chinese oil company concluded an agreement in this regard with the Ministry of Petroleum and Mining of South Sudan (MPM) (Bodetti, 2019). Protests of local communities against environmental degradation stood on the way to the implementation of Chinese enterprises' investments in the oil sector. In the northern region of the country where the main oil production base is located, children with body deformities began to be born. Therefore, at the beginning of 2020, the authorities in Juba

decided to carry out research and expertise to determine the extent of the contaminated area in the vicinity of oil fields (Xinhua, 2020).

During the civil war, the level of oil imports from South Sudan to China fluctuated due to periodically increasing political violence and ethnic conflicts as well as international factors (Hess, Aidoo). After signing the peace agreement, mining began to stabilize, although it was not certain that the parties would comply with the ceasefire. Armed incidents continued to occur, and in some of them Chinese citizens were also killed. On October 19, 2018, fourteen Chinese employees of a local oil company were killed during clashes between Dinka and Nuer fighters in Juba (Jatmika, 2018). According to the MPM, in early 2019, South Sudan produced 170,000 barrels of oil a day. At that time, the share of South Sudanese crude oil in Chinese oil imports consistently fluctuated around 1% (Okech, 2019). In the first half of 2020, the legitimacy of oil imports from South Sudan was called into question because of the coronavirus pandemic. The price of oil has dropped dramatically, and significant production surpluses have appeared around the world. Under these circumstances, the reduction of production may take place first in fragile states like South Sudan.

### **3. OTHER AREAS OF ECONOMIC COOPERATION**

In addition to crude oil, South Sudan also has large deposits of other natural resources, including gold, silver, copper, aluminum and limestone. So far, they are not exploited, mainly due to persistent instability in the country (Eberling, 2017). Potentially Chinese companies are interested in mining them. Chinese enterprises are also interested in other sectors of the economy, mainly in construction. There is a lack of basic infrastructure in South Sudan, including roads, bridges, power plants, electricity grids, dams, water treatment facilities, irrigation systems, schools, hospitals, municipal buildings, telecommunication networks, oil infrastructure etc. (International Crisis Group, 2012).

During the visit to Juba in August 2011, Chinese Foreign Minister Yang Jiechi spoke in favor of continuing the development of “friendly cooperation” between the PRC and South Sudan. He emphasized that countries should, above all, strengthen cooperation in the oil, mining, agriculture and infrastructure sectors. He also made a promise to provide development support for South Sudan and to take multifaceted actions to improve the standard of living of its citizens. In April 2012, President Salva Kiir paid a visit to China, during which he held a series of talks on strengthening economic cooperation between states. He encouraged Chinese state authorities and Chinese companies to invest in South Sudan and asked for financial support (China Grants...). During the visit, the GOC granted South Sudan a credit line on preferential terms for USD 8 billion. It also offered the participation of Chinese enterprises in the construction of South Sudan infrastructure (Eberling, 2017).

The PRC and South Sudan have signed a number of bilateral economic agreements, some of which date back to the pre-independence period of the African partner. The most notable includes: Memorandum of Understanding between the Southern Sudanese Ministry of Water Resources and Irrigation and China Construction and Machinery Company for Future Investments (2006), Trade, Economic and Technical Agreement (November 22, 2011) and Agreement on Economic and Technical Cooperation (April 24, 2012). It is also worth mentioning that in November 2011, South Sudan and China established the Bilateral Joint Economic and Trade Committee (Eberling, 2017). In December 2014, about 140

companies from China were registered in South Sudan. Most of them were active in the oil and infrastructure sectors (Eberling, 2017). However, many of them were suspended until the situation in the country stabilized.

Western countries providing development assistance to third world countries expect them to meet a number of criteria related to the rule of law, human rights and financial accountability. China, in turn, offers support without such preconditions. It grants loans to even the most corrupt governments in the world that commonly violate human rights, without requiring political and economic reforms. This approach is largely due to attachment to the principle of non-interference in internal affairs (Gaudreau, 2016). At the same time, it is the result of a pragmatic approach aimed at expanding economic influence in countries from which Western companies are withdrawing. Directing development aid to South Sudan, the PRC wants to establish friendly relations with it and stabilize the situation in the country and the region. After the end of the internal conflict in South Sudan, China will have a very good starting position for the implementation of large investments, mainly in oil and infrastructure sectors. The PRC will be able to implement the so-called "Angola Model", which is based on the principles of South – South Cooperation. This model is to lead to a win-win solution in cooperation between developing partners. The „Angola Model” primarily consists in granting low-interest loans to states which are more reliant on commodities, such as fossil fuels or mineral resources, as collateral (Lanteigne, 2016). The developing countries guarantee the supply of raw materials, mainly crude oil, to Chinese companies. These, in turn, take part in the implementation of development projects in these countries (Hess and Aidoo, 2015).

Although China's investment in the Sudanese oil industry has been stalled in 2012-2014, China's development aid has increased significantly. For only these two years, China has declared USD 3.2 billion in grants, loans and other forms of support. This was a significant increase, because for the previous six years it was USD 5.2 billion. Of the 46 development projects that China implemented in the Sudanese countries in 2012–2014, 21 went to South Sudan and 25 to Sudan. However, the difference in the value of these projects was drastic, because those implemented in South Sudan cost USD 243 million, which accounted for 7.8% of the total, and the rest, i.e. almost USD 3 billion, was allocated to projects in Sudan (Johanson, 2016).

Within the limited budget, Chinese authorities and corporations have concluded with South Sudan authorities a number of agreements on development projects and financial support in the areas of agriculture, construction, electricity production, water resources, communication, social infrastructure, transport, storage base, mining, education, management and civil society, and crisis response. On October 24, 2011, the GOC provided South Sudan with a subsidy of US 31.5 million for Chinese enterprises to implement multisectoral development projects in the areas of agriculture, education, health and water resources. During the ceremony, the Chinese ambassador in Juba Li Zhiguo announced the identification of further needs and the preparation of further development projects. At the same time, a significant number of radio stations were handed over to South Sudan to promote media development and Chinese broadcasts (China Grants...).

Other important manifestations of China's aid to South Sudan include: in 2011, a USD 158 million preferential loan from the Export-Import Bank of China (Exim Bank) for China Harbor Engineering Company to develop Jub International Airport; in 2012, a USD 200 million loan from Exim Bank to South Sudan's Commerce Ministry; in 2012, a USD 1.42 billion loan from the Bank of China for China Gezhouba Group for the construction of the

Biden Hydropower Station; in 2012, an agreement for a borehole drilling project; in 2012, donation of desktop computers and laser printers to the ruling party – the Sudan People's Liberation Movement (SPLM); in 2012, an agreement on agricultural cooperation and rice planting; in 2013, construction of the Disarmament Training Center; in 2013, training for medics and diplomats; in 2014, material aid worth USD 24 million. In mid-December 2013, however, the implementation of development projects was suspended for several years as a result of the civil war in South Sudan (Eberling, 2017).

China also supported South Sudan in the areas of health care and humanitarian aid. Chinese medical groups have been operating in clinical hospitals in Juba, Wau and Malakal since 1970. After the declaration of independence by South Sudan in 2011, another medical group of doctors from the Chinese province of Anhui came to the clinical hospital in Juba. Chinese medics in South Sudan clinical hospitals deal with both providing medical assistance and training local staff. They also help to restore and use the medical equipment. The most important project was the joint construction of a hospital in the city of Bentiu for which in 2011 China provided a grant of USD 760 thousand. China has also modernized the Kiir Mayardit women's hospital in Rumbek and trained its staff. In addition, the Chinese government has donated to clinical hospitals in Juba and Wau (Gikiri, 2017). In 2012, China and South Sudan signed a Memorandum of Understanding regarding healthcare and water procurement. In 2013, the parties signed an agreement on the transfer of anti-malaria drugs (Eberling, 2017). In 2019, China sent medical and technical specialists to assist in equipping the Kiir Mayardit Hospital in Rumbek (Yinglun, 2019).

The United Nations Food and Agriculture Organization (FAO) and the World Food Program (WFP) qualify South Sudan as one of the countries most affected by the humanitarian crisis. According to them, about 3.9 million people have limited access to food, and about 100,000 people suffer from hunger (Munene, 2019). Humanitarian aid from the PRC to South Sudan is mainly channeled through the Chinese Red Cross (Gikiri, 2017). For example, in 2012, China provided USD 1.05 million in Emergency Food Relief, and in 2013, USD 50 thousand for flood relief. In 2014, it donated USD 3 million for humanitarian aid and USD 1.6 million to build a shelter for displaced persons (Eberling, 2017). Chinese companies operating in South Sudan also provide humanitarian aid. For example, CNPC helped build civil protection camps, where thousands of people found shelter (Wenting, 2019). A significant problem was the temporary blockade of humanitarian access to some areas of the Unity, Upper Nile and Western Ecuatoria (Ali, 2018). In 2019, Chinese enterprises undertook to drill 47 wells in search of water. According to Hua Ning – the Chinese ambassador in Juba, this is expected to give access to drinking water for several million inhabitants of South Sudan (Munene, 2019). In December 2019, due to the flood that hit South Sudan, China provided it with USD 500 thousand humanitarian assistance and USD 1.5 million food relief (Yinglun, 2019).

During the war between Sudan and South Sudan and the subsequent civil war in South Sudan, the PRC had a serious dilemma about how to behave in the United Nations Security Council (UNSC). Western countries have repeatedly pressed China to suspend economic cooperation with these countries. In May 2012, China supported UNSC Resolution 2046, which threatened to impose sanctions on Sudan and South Sudan (United Nations Security Council, 2012). At the same time, however, it prevented Western states from actually imposing sanctions, claiming that they would harm the peace process (Hodzi, 2017). During the civil war, the United States and other Western countries imposed economic sanctions on political and military leaders of South Sudan. The PRC, however, did not decide on

similar activities (Nyabiage, 2019), but also did not put veto in the UNSC to block them. Anyway, China had to make some concessions on the supply of weapons so as not to be accused of contributing to the escalation of the conflict. In June 2014, China North Industries Group Corporation Limited (NORINCO) was to realize the first supply of arms to South Sudan worth USD 38 million. Due to pressure of the international community, the transaction has been at least partially suspended (Hodzi, 2017). Officially, the total value of arms supplied by the PRC to South Sudan was only USD 22 million. Subsequent deliveries, if carried out, were secret (Eberling, 2017).

After the conclusion of the peace agreement in 2018, China decided to return to the implementation of investment and development projects. In February 2019, Exim Bank concluded a preliminary agreement with the government of South Sudan for the construction of highways, which is to be the largest development project in South Sudan. To finance the project, South Sudan increased the volume of crude oil supplied to Exim Bank from 10,000 to 30,000 barrels per day (Okech, 2019). At the end of March 2019, the South Sudanese government concluded a multi-billion dollar agreement with the Chinese company Shandong Hi-Speed Group Co., Ltd (SDHS) regarding the construction of highways and main roads from Juba to remote regions of the country. The first stage will involve the construction of a section of the highway from Juba to Rumbek in the center of the country, about 400 km long. President Kiir, who was present at the signing of the agreement, ensured that further highway sections will be contracted soon (Liangyu, 2019). Other Chinese enterprises, including Sinohydro Corporation, are also to participate in the construction of highways and roads. This company is also to build in South Sudan a hydroelectric power plant. China Harbor Engineering Corporation, in turn, has won a contract to renovate the international airport in Juba worth USD 1.6 billion, and ZTE is building a telecommunications network for USD 200 million. Chinese enterprises are also winning smaller contracts for the construction and renovation of other infrastructure elements, including houses, bridges and hospitals (Hodzi, 2017).

Trade between China and South Sudan has also started to stabilize in recent years. In 2019, China imported USD 1.51 billion worth of goods from South Sudan, and exported USD 122.6 million worth of products. As in previous years, crude oil and its derivatives accounted for over 99% of China's imports. Sudan, in turn, mainly imported electronic devices and mechanical parts (Bilateral trade...). Due to the dominance of crude oil in bilateral trade, a large disparity in trade balance between countries persists.

#### **4. CONCLUSION**

Due to the large asymmetry of economic potentials and roles in the global economic system, South Sudan should form expectations for the PRC in a balanced and realistic way. Juba must also take into account that Beijing may reject many of the proposals and should not therefore cool relations between states. China, in turn, by pursuing a long-term economic policy towards South Sudan, wants to create a positive climate in bilateral relations (Wani, 2018). Potentially, after stabilizing the security, South Sudan may become a much more important supplier of energy resources to the Middle Kingdom than it is today. In addition, it can also become a place of lucrative investments, including in the oil and infrastructure sectors. For this reason, China should be sensitive to the development needs of South Sudan and treat it subjectively so that it does not feel like a province of Sudan.



The PRC can offer South Sudan not only capital and equipment, but also know-how and its own experience of economic transformation. South Sudan, in turn, wants to reform the economy, is open to business and is actively looking for foreign investment. Although historically South Sudan is associated with Western countries, its authorities do not give them priority to cooperation. The enormity and urgency of needs means that they are ready to cooperate economically with anyone who offers favorable conditions. China is attached to the idea of cooperation between developing countries as part of the "South-South" concept, seeing itself as the leader of these countries. In addition, it does not set the political preconditions for cooperation, which is seen as an asset due to the complex situation in South Sudan. However, South Sudan should not strengthen economic relations with China at the expense of correct relations with the West. In addition, it must ensure that economic development contributes to strengthening security and stability in the country (International Crisis Group, 2012). Profits from the sale of crude oil to China should therefore be directed towards the implementation of infrastructure investments, including in social infrastructure. These projects are ready to be implemented by enterprises from China, but the condition is to stabilize the situation in the country. In turn, improving the well-being of citizens can accelerate the peace process, help national reconciliation and increase public support for China's economic involvement in South Sudan.

With the increasing involvement of Chinese enterprises in destabilized and armed conflict areas, the demand for new methods of investment risk analysis is increasing in China. This applies to both the analysis of the specifics and dynamics of the conflict itself, the security of installations and personnel, as well as the security of financial settlements. Because in recent years there was a very high investment risk in the unstable South Sudan, the scale of loans, capital investments and development projects was relatively small compared to more stable Chinese partners from Africa. Nevertheless, there was no complete withdrawal, as was the case with many Western states and companies. For this reason, when peace is managed in South Sudan, China will have a privileged starting position. Recently signed infrastructure contracts show that both Chinese companies and the government of South Sudan are ready for such cooperation. So there may be practical implementation in South Sudan of the so-called "Angola Model". On the other hand, if the peace agreement is not maintained and the fighting breaks out again, the cost of PRC's economic involvement in this country will increase. This could eventually lead to a loss of patience and reduce China's economic involvement in South Sudan. Therefore, it is in the interest of the partners to restore security in the country. An additional problem is currently the consequences of the coronavirus pandemic in the global economy and in the global energy market.

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## THE GLORY OF WINNING AND THE SHAME OF DEFEAT – THE SEX IS WAR METAPHOR AS A CREATIVE RESERVOIR AND A TOOL FOR ESTABLISHING MASCULINIZATION, POWER, AND DOMINANCE

This article investigates the relationship between language and ideology and provides an account of the representation of sex as physical contact in contemporary American men's magazines, as well as the specific role that metaphors play in perpetuating the view that men are constructed as the aggressors and women as the victimized and attacked. The method applied to retrieve the data is manual searching. The analysis is carried out in the spirit of Cognitive Linguistics, with particular emphasis on the notion of Lakoff and Johnson's conceptual metaphor framework. It is based on the assumption that in many cases, the overall view of sex seems to be one of hostility, violence, and dominance, where the SEX IS WAR (but also SEX IS PUNISHMENT) metaphor functions as a device of masculinization since war is still typically perceived as a male activity, which, in turn, may lead to certain detrimental psychological consequences.

**Keywords:** Metaphor, ideology, war, sex, violence, media.

### 1. INTRODUCTION

It is no accident that sex constitutes one of the most basic and perhaps the most significant aspect of human nature. Its importance can be inferred from Maslow's theory on the hierarchy of individuals' basic needs (see Maslow, 1943). What is worth mentioning here, however, is that there are at least three different meanings of the notion of sex. The first one is strongly associated with the division of people into female and male genders on the basis of their reproductive functions. The second most common understanding of the term is connected with erotic preference (see Cameron, Kulick, 2003). Nonetheless, this article will be based on the third essential connotation of sex which the *Oxford English Dictionary* defines as "physical contact between individuals involving sexual stimulation; sexual activity or behaviour" (*OED*). Obviously (see Morton, 2003), the human race needs sex to survive and to ensure the multiplication of the species, although in modern times sexual activities are rather associated with hedonistic pleasures. What is more, western culture seems to be obsessed with sex, and one can easily assume that various types of

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media are saturated with sexual content (see del-Teso-Craviotto, 2006). Hence, with a view to bridging the research gap on the conceptualisation of sex-related aspects in men's magazines, this article will focus on the overwhelmingly ideological sexual metaphors – SEX IS WAR and SEX IS PUNISHMENT (see section 4).

## 2. AIMS

By collecting and analysing terms for sexually-related actions, the main aim of this paper is to provide new insights into the relationship between linguistic expressions and cognitive conceptualisations of sexuality among readers of men's magazines, such as "Men's Health", "Playboy" and "Penthouse"<sup>2</sup>. The study is supported by numerous examples of figurative expressions from the aforementioned magazines (57 issues: 20 – "Men's Health", 16 – "Playboy", 21 – "Penthouse", published from January 2016 to December 2017) that are carefully selected, classified and analysed on the basis of their belonging to the source domain in question. The method applied to retrieve the data is manual searching. The author has cautiously read throughout the pages searching for linguistic metaphors that contain SEX as a target domain<sup>3</sup>. What is more, sex-related metaphorical expressions are viewed here from the perspective of linguistic discrimination against women. The findings have shown that sex can generally be conceptualised as WAR, BATTLE and PUNISHMENT. What is more, several conceptual metaphors have been identified, such as SEX IS WAR, SEX IS PUNISHMENT, PENIS IS A WEAPON and KISSING IS WRESTLING.

Section 3 below starts with a review of the notion of conceptual metaphor and gives insights into its significance in human understanding. Section 4 examines in some detail the well-studied source domain of WAR in order to shed some light on the fact that much of what we do while having sex is shaped by concepts related to war. In section 5, the author offers the most essential links between language and ideology, and discusses possible social implications and consequences of referring to the domain of WAR. In the final section, some conclusions are proposed together with indicating some potential outcomes, emphasising that the sex-related metaphors are cognitive devices according to which we live in our cultural sphere and that they shape our actions during various disputes.

Lastly, focusing on the application of sex metaphors in American magazines for men, this paper aims at identifying the most frequent sex-related metaphors used, investigating the significant relationship of erotic metaphors with the perception of women in western cultures, as well as how such metaphorical conceptualisations influence the targeted readers' beliefs and behaviour. In what follows, first, the theoretical background will be introduced.

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<sup>2</sup> In fact, although "Men's Health" is a good example of the magazine that this phrase implies, unfortunately, only a small portion of excerpts is taken from it and all the others are from pornographic magazines. The discussion refers to the representatives of the media, yet print pornography may be considered by some as not 'popular', conventional and mainstream. Indeed, in the nearest future, the study needs to take into account more magazine issues in order to identify more instances of the domain in question.

<sup>3</sup> It is difficult to provide the approximate total number of examples with metaphors that have been analysed. Moreover, instances of other types of sex-related metaphor have been encountered during data collection, such as SEX IS BASEBALL, SEX IS EATING, SEX IS BUSINESS, just to name a few.

### 3. METAPHORS: THEORETICAL PREREQUISITES

In seeking to understand the significance of metaphor, one needs to start with the fact that in 1980, George Lakoff and Mark Johnson published the first edition of their seminal book *Metaphors We Live By*, in which they placed metaphor at the centre of interpersonal communication. According to cognitive linguists, metaphors possess special functions that facilitate human cognition<sup>4</sup>. In fact, metaphor treated as a conceptual phenomenon, which is expressed primarily in the way of thinking and acting, and not only in language, became a key term for all cognitive theory. Lakoff (1987) sees the sense of metaphor in understanding and experiencing one thing in terms of another, which consequently leads to the conclusion that the human conceptual system is, to a large extent, a system of interrelated analogies.

What is more, metaphor allows humans to perform a set of cross-domain mappings between two conceptual domains (a target domain – less known and usually more abstract, and a source domain – more physical and tangible), and hence, they reflect our conceptual structure<sup>5</sup>. The simplest explanation is that they appear in speech because the human mind is metaphorical, so studying what we say can help us determine the way we think (see Kövecses, 2015; Kövecses, 2020). In addition, Lakoff and Johnson (1980) claim that “the most fundamental values in a culture will be coherent with the metaphorical structure of the most fundamental concepts in the culture”. Therefore, the choice of metaphors is not coincidental. From a considerable number of conventional metaphors we tend to choose very specific ones, because they suit our views and our way of life best.

Since metaphors constitute an extremely fascinating phenomenon, research on figurative expressions is being conducted on a large scale and on multiple dissimilar dimensions. As one has learned, metaphor is not only a feature of language, and it is not only a feature of language and thought, either. Kövecses (2010) notices that “metaphor is a widely distributed phenomenon that encompasses all our cultural reality – including material culture and physical events”. It shapes not just our communication, but also the way we think and operate. What is more, making sense of the surrounding world cannot take place without metaphor. Dobrovolskij and Piirainen (2005) add: “[the] metaphor is therefore not just a means of naming, but an instrument of conceptualising the world. It also stands out as the principal device in cultural constructions.”

### 4. ANALYSIS

What will become evident in what follows is that it is impossible to overlook the close bond between sex and war, since war terms are commonly used by ordinary people in everyday situations. Contemporary English language is loaded with hundreds of military terms which are repeatedly applied to non-military circumstances in everyday speech or writing, which has become a customary process, since both women and men are likely to draw upon phenomena in one area of life to understand experiences in another. Therefore,

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<sup>4</sup> One needs to remember that the area of abstract thinking includes not only theoretical scientific constructs and metaphysical ideas, but also everyday concepts such as love or desire. It depends on language users which language realisations the metaphor will have; the user, thus, has the choice of conventional metaphorical phrases, but can also create an infinite number of new metaphors.

<sup>5</sup> See, for instance: (Gibbs, 1994; Kövecses, 1986; Kövecses, 2005; Kövecses, 2008; Kövecses, 2010; Kövecses, 2020; Lakoff, Johnson, 1980).

a brief theoretical overview of this domain in relation to sex will be helpful in further analysis.

#### 4.1. The Domain of WAR<sup>6</sup>

To start with, the persistent and pervasive traditions and norms regarding gender roles give the impression that only men can be sexually active, while the role of women is to be merely the passive objects of masculine desire. Such a view is expressed by many researchers. Among others, Baider and Gesuato (2003) point out: “[t]he male is an agent engaged in an active act, while the female is a patient, recipient, experiencer or marginal, submissive agent.” Taking another, more blunt, example, the feminist MacKinnon (1982) states: “[m]an fucks woman. Subject, verb, object”. Unfortunately, even in modern times, such a perception of reality is not uncommon and has enormous negative consequences for women<sup>7</sup>. It evidently makes them vulnerable to sexual abuse and exploitation, and restricts their freedom since they start to be treated as objects rather than equal human subjects (Cameron, Kulick, 2003).

Turning to the metaphors for sex, it is remarkable how many of them employ violence as their source domain. Many of those figurative expressions are relatively recent in origin; however, as Goatly observes (2007), “the association can be traced back at least as far as classical times, where *phallus* meant ‘sword’, *vagina* meant ‘sheath or scabbard’ “. Duda (2014) provides similar examples which fit into the category of the metaphor SEX IS WAR, namely: *sword*, *weapon* and *pole* in the sense ‘penis’ and *wound*, *cut*, *scar* in the sense ‘vagina’.” Interestingly, examining the abovementioned examples one can safely conclude that men are again constructed as the aggressors, while women as the victimised and attacked<sup>8</sup>. The next section, thus, tries to contextualise which metaphors are used to talk about sex-related issues and how they influence the perception of women’s and men’s roles in the world.

#### 4.2. Sexual Intercourse

In my opinion, the first claim that might be put forward is that sex itself is not an indisputably positive force that brings only intense physical pleasure and emotional fulfilment and satisfaction. Very often it can equally be a source of misery and unspeakable cruelty. In this connection, it is worth observing that there are many sex-related metaphors that utilise WAR domain as their foundation in the creation of figurative expressions. Because of such violent and ferocious associations they enhance the status of men as rough and impetuous, while at the same time they degrade womanhood to something weak and tender. Although one may say that they are only stereotypes, they certainly appeal to some elements of the lovers’ psychology who unconsciously try to live up to social expectations.

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<sup>6</sup> With the understanding of the figurative meanings connoted in the metaphors used on the pages of magazines aimed at adults, some readers may find some of the sex metaphors rather indecent or obscene, and therefore offensive.

<sup>7</sup> Sex and violence are linked in the human mind via metaphors that describe sexual desire in terms of physical force and war. Beside the fact that this kind of perception penalises women, Lakoff (1987) suggests that the way people conceptualise lust and anger, together with various folk theories of sexuality, may also constitute a contributing factor to the high rate of rapes in some societies.

<sup>8</sup> Beside the metaphor SEX IS WAR, Duda (2008) provides another SEX IS HUNTING, in which males are depicted as hunters and therefore attackers.



Taking into consideration the nature and content of various men's magazines, it seems almost impossible to overlook the whole array of war and violence associations with regard to sexual activities. Principally, the domains of WAR and SEX noticeably overlap and there are a great number of metaphorical mappings between them. To illustrate the truth of this, it is worth analysing certain examples:

How to Sleep with Her: Bedroom strategies for better z's. "Men's Health" 1-2/2017.

It was a battle of wills, both of us trying to hold out so the other would come first. "Penthouse" 2/2016.

Stoya's Guide to Expanding Your Sexual Frontiers. "Playboy" 7-8/2017.

A deep dive into America's final sexual frontier: the ass. "Penthouse" 7-8/2017.

All the aforementioned contexts represent the SEX IS WAR metaphor and they share some common features. The two people involved in sexual intercourse are seen as opposing fighters or even sworn enemies. However, the essence of the metaphor cannot be limited to the seduction stage. People seem to be involved in a love act as opponents; they attack their positions and defend them; gain and lose ground; as well as plan and use love strategies. Among other things, war also requires an enemy.

The metaphorical correspondences that appear between the domains of SEX and WAR can be presented graphically as follows:

Source: WAR		Target: SEX
the conqueror	➡	the man
the conquered	➡	the woman
the battle	➡	the attempt to have sex
surrender	➡	allow to have sex
battle strategy	➡	bedroom strategy

On the one side, there is a man who dominates sexually and is considered to be a conqueror in the war. On the other side, there is a woman who is supposed to obey and submit to everything. Such portrayal is well depicted in the sentences below:

I think dominance and submission, which should probably be called surrender, is all a vast human construct on a basic primordial strategy in which the woman surrenders completely and the man totally dominates to impress her. "Men's Health" 3/2017.

All my body surrenders to thy tireless lips. "Penthouse" 2/2016.

The examples illustrate and emphasise the idea, which is deeply rooted and well established in many traditions and beliefs, that males should take the leading role during sexual intercourse, while women should unquestionably capitulate. The knowledge we have about war also allows us to provide other metaphorical entailments. Firstly, to seduce a sexual partner is to overcome a competitor and secondly, surrendering is allowing desire to take control. The WAR metaphor stresses and focuses predominantly on the issue of

control. Additionally, contemporary models of masculinity have an enormous influence on the conceptualisation of men as violent partners in a sexual act. Masculinity is perceived as an aggressive and violent feature, simply because men are defined by their masculinity (they must act violently to be seen as masculine). It should have become clear from the examples that men are encouraged to demonstrate violence through sex in order to emphasise and assert their manhood. This situates men as attackers during sexual intercourse. One may also argue that the examples below, despite the war reference, are less about war and more about and the notion of punishment:

Raven turned the vibrator back up, and I started to thrust into Lily in powerful, punishing strokes. It was a foreign motion at first, but I quickly found a rhythm and got caught up in the moment. As I watched her come again and again while I hammered into her, I knew I would never forget my first time. "Penthouse" 10/2017.

Kylie held on to the hood of the car while I gave her pussy the punishing it deserved, slapping her ass from time to time while she squealed and squirmed on my cock. "Penthouse" 1/2016.

Again, the conceptual mappings provide a participant structure which unquestionably evokes a relationship where one of the participants – the punishing one (a man) is performing the action, while the other participant – the person being punished (a woman) is receiving the action. Yet again, a man fulfils the role of an attacker, and a woman takes the role of an attacked. The metaphor SEX IS PUNISHMENT seems to be an excellent example of discrimination against women in the sexual sphere, because punishment is an act of total asymmetry of power between two parties. The suffering individuals cannot defend themselves, hide or return the blow; in fact, they may be completely defenceless. For this reason, torment is an example of the total objectification of the individual.

### 4.3. Intimate Body Parts

Before embarking on the analysis proper, it is vital to highlight that human sexual organs<sup>9</sup> constitute a very controversial topic and are habitually ignored and avoided in general discourse (see Duda, 2014). The investigation presented in the previous section shows that sex is often viewed as a violent interaction, in which a man is characterised as an attacker, and his penis might be viewed as a weapon<sup>10</sup>. In this regard, Morton (2003) claims that a great number of terms denoting the penis are taken from the battlefield. He

<sup>9</sup> Up to the present time there have also appeared a number of new terms denoting vagina, nevertheless, almost all of them contain a figurative meaning, and people still avoid talking about it directly. Even gynaecological clinical vocabulary that is supposed to be very specific, has its roots in metaphors. The very word *vagina* is a Latin term and it means 'sheath' or 'scabbard', a kind of holster for storing a sword (Morton, 2003). Moreover, female breasts have not escaped comparisons to war terminology either, and they are frequently depicted as weapons of mass destruction. Morton (2003) enumerates the following expressions: *atom bombs*, *flesh bombs*, *torpedos*, *cannons*, *howitzers*, *scuds*, *warheads* and *bazookas*.

<sup>10</sup> What is even more remarkable, while penis is very often presented as a weapon, usually a sword, the woman's intimate part adopts the name of *scabbard* or *sheath*. Not infrequently, however, penis can also be described by the extensions of words that simply represent items that are phallic in shape.

writes: “the word weapon itself was used to denote the penis in Middle English, as it had been in Old English, dating back to the eleventh century” (Morton 2003). The term is still often used nowadays and there seems to be a close connection between sex and war, where masculinity is seen as a kind of dominance, femininity as passivity, and sexual intercourse as a conquest.

The metaphorical view of the penis as a weapon that is used during war becomes crucial when assessing the relationship between sex and violence. Awareness of the semantics of sexual intercourse and violence among men becomes pivotal, simply because men must constantly define themselves through their masculinity. In order to understand the metaphorical correspondences between the two domains, let us analyse certain examples:

My favorite position. I tried to hold my phone steady as her hand guided my shotgun inside her. “Penthouse” 3/2017.

She grabbed the back of the chair, which was flimsy, and braced it against the wall, which was flimsy. I trusted this girl could withstand ten days of my pent-up logjam. With her feet spread and her ass pointing at me, her bush riding beneath like a hair beacon, I guided my Scud missile in, grabbing each hip once I was there. “Penthouse” 12/2016.

There’s something menacing about a guy wielding his penis like a weapon. “Playboy” 10/2016.

I was on the brink of shooting my load. “Penthouse” 12/2017.

No more than three minutes passed before I was shooting into her mouth. “Penthouse” 2/2016.

I moaned as he muscled his oversized gun into my tight little hole. “Penthouse” 6/2016.

At first glance, it can be inferred that the penis is characterised as a weapon (*shotgun*, *Scud missile*), whereas ejaculation is characterised as the act of shooting with the weapon (*shoot the load*). Hence, the hostile and violent manner of war is attributed to the manner of the sexual act. By shooting the loaded weapon, the attacker attempts to kill the victim, and so – the woman – his sexual partner. Such a perception highlights the negative characteristic of violence. The male genital organ can be used as a weapon, with the intention of humiliating and subordinating the victims, or worse, with the intention of objectifying them.

#### 4.4. Depiction of the Kissing Act

Other less dangerous and vicious forms of combat include kissing. Because a kiss is a form of very intimate contact, it evokes strong emotions. That is why people most often prefer to kiss only very close friends and those with whom they are intimately acquainted. In a relationship, the type and manner of kissing also carries cultural meanings not directly related to sexuality. Depending on the context, the degree of knowledge we possess, or the relationship between people who exchange a kiss, it can be a sign of respect, friendship or a way of greeting or saying goodbye. Yet, kissing can also constitute an act that is a passionate prelude to intercourse and emphasise the intensity of sexual desire (see Morton,

2003). The existence of the KISSING IS WRESTLING metaphor can be confirmed by the following excerpt:

Our lips met and our tongues wrestled as she rocked on my stiff pole. “Penthouse”  
12/2017.

The connection between the domain of sex and that of war is evident here in the word *wrestled*. In simple terms, wrestling is a combat sport, involving the physical struggle of two competitors – the fight takes place by using grips and throws. Although not everyone is aware of this, anger and combat have a lot in common with eroticism. Aggressive kisses might make some people very excited, nonetheless it should not be assumed that such a perception indicates only a positive side of human sexual desire.

On balance, the WAR and PUNISHMENT metaphors are popular media images. In many cases, the overall view of sex seems to be one of hostility, violence and dominance where the two domains very often function as devices of masculinisation, since war is still typically perceived as a male activity<sup>11</sup>. Moreover, such metaphors influence the way of thinking about sex and the way of making love itself. Strengthening and highlighting of the portrayal of male’s sexual dominance may encourage readers of these magazines to become more violent. It is vital to bear in mind that metaphors are not culturally neutral, and they possess the power to shape people’s attitudes towards sexuality, not always favourably. They also emphasise different facets of sex, and – at the same time – they background other aspects, like tenderness, caring for the partner and other positive emotions occurring during intercourse. Therefore, the fact that metaphors might be used as a vehicle to transmit stereotyped images is frequently exploited by the media.

## 5. LANGUAGE, GENDER AND IDEOLOGY

The contemporary media influence the formation and continuation of public opinion and so, for this reason, it is hardly surprising that language and gender researchers have dedicated a lot of attention to different forms of media, including newspapers and magazines (Litosseliti, Sunderland, 2002; del-Teso-Craviotto, 2006; Williams, 2012; McNair, 2013). To a large extent, the media can be treated as a reflection of reality, yet, they play a key role in the process of its construction. They not only spread stereotypes, but being an integral part of today’s society, they have immense power to guide the perceptions and influence the opinions of the mass audience. It is also evident that the portrayal of women and men is very often stereotypical, and the presented sex-related metaphorical expressions further reinforce gender standards and norms deeply rooted in consciousness and in language. The image of both sexes concerning sex places strong pressure on readers to conform with the established, traditional concepts of gender roles and behaviour.

It can be suggested then that, on the one hand, language reflects ideologies, and on the other hand, it creates them. Such a view is shared by many researchers. Wodak (1997), for instance, claims: “Discourse is socially constituted, as well as socially conditioned”. This indicates an important area of interest in language and gender research. Most of the western languages are largely androcentric, and, therefore, they build largely androcentric worlds that are questioned by feminism. In some significant respects, sexual language is an important tool for insulting women. What is more, sex is one of the obvious sources of

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<sup>11</sup> See e.g. Duda (2014).

swear words and insults, and they are frequently used along gender lines (see, among others, Ljung, 2007; Bolinger, 2014). By means of defining the sexual nature of women, it constitutes an obvious and widespread way of humiliating them. From the plethora of arguments, also pornography<sup>12</sup> might be considered as another form of the exercise of power, where females linger in a precarious position. Without an uncompromising and radical upheaval, they may only choose a place in the culturally developed scheme in which they are treated as objects that meet male biological needs.

By conceptualising one thing in terms of another, metaphor has the extraordinary power of masking intentions, and, of course, it is especially convenient when the hidden message is negative, discriminatory and sexist. With the use of this type of sexist metaphors in everyday language and their ubiquity in the language of the media, modern media consumers are often unable to recognise the original intentions and assumptions of the metaphorical expressions applied. Hence, these metaphors are considered to be truth and are accepted at face value.

## 6. CONCLUSIONS

This article sheds some light on the phenomenon of conceptual metaphor and on the significance of sex-related figurative expressions from the point of view of gender inequality. It can be stated now that conceptual metaphors constitute a vital part of the world that people live in and they play a tremendous role in their lives, especially in understanding reality and stereotypical reasoning. Bearing this in mind, the media (like American magazines discussed here) with, to a large extent, its ideological language is largely responsible for creating social and cultural reality. Moreover, since metaphors arise spontaneously and automatically, often without human awareness, it seems that people have little or no choice in whether to think metaphorically or not. As the mechanism of metaphor is mostly unconscious, once they become assimilated, they remain part of people's active and passive lexicon.

First of all, the SEX IS WAR metaphor is a cognitive association that transfers various attributes from the source domain of war to the target domain of sex. To be more precise, it offers various sets of ontological correspondences as a result of using knowledge of war to talk about the taboo topic of sex: for example, a lover is an enemy; seduction of a sexual partner is to defeat an enemy; penis is a weapon etc. The conceptual basis of war metaphors refers to the general view of sex in terms of dominance, punishment, hostility and violence; therefore, many metaphorical substitutes that are subject to this cognitive equation tend to acquire dysphemistic overtones.

Proceeding further, metaphor is recognised as a tool responsible for shaping human thought and perception and, consequently, the social and cultural landscape. From the biological perspective, sex might be treated as a means of conceiving children, hence as a way of extension of the existence of a family and passing on genetic material from parents to offspring. Nevertheless, the analysis undertaken shows that the concept of sex goes much deeper than a simple act serving the mechanical perpetuation of the species. As has been proven, it touches on the cultural and social factors that govern the use of figurative

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<sup>12</sup> Pornographic language is possibly aggressive because it can destroy women's intimacy and self-respect. Pornography (indeed more than eroticism) overcomes and destroys all courtesy expectations – while erotic language can be used to stimulate positive reactions from readers or speakers, pornography is a deliberate attack on the dignity of others (mainly women).

expressions. One cannot be partially and selectively at war – the inclusion of such a description of reality in a male-female relationship incorporates certain beliefs that begin to strongly shape this relationship, which, in the long run, may have a negative impact.

Similarly, the domains of WAR and PUNISHMENT clearly suggest the superiority of man. For many men, sex serves as a basis of self-worth in the modern world. By various sexual activities, they show their skills in seduction and prove their attractiveness and desirability. The metaphor of war promotes specific behaviours – competitive rather than conciliatory, where emphasis is put on the effect and not the way it is achieved; in other words, the achievement of the goal is the most crucial element, not the interests of the individuals. The very notion of interests in the war metaphor turns into abutments, bases and all other goals that are gained (by force), and not agreed or negotiated. Thus, the metaphor of war includes victims, thrown from front to front like pawns on a strategic map. What is perhaps even more important, it imposes win-lose optics. Compromise is always treated as an unfulfilled desire, and winning becomes the only goal. The metaphor of war even excludes the search for agreement and satisfaction of both parties.

Having said that, metaphors constitute a perfect way to refer to delicate issues, especially in the area of lovemaking, yet one should not underestimate their impact on our reasoning, since they are natural phenomena. Every conceptual metaphor is an inseparable part of human thought, just as linguistic metaphors are part of human natural speech. Additionally, metaphor may be considered a dynamic device that is changing, developing, extending, all depending on the person and situation. When people talk to each other, when they take part in various discussions and public conversations, when they explain themselves to others, they make abundant use of conceptual metaphors. Their choice of metaphor not only reveals the intended conceptualisations, but most of all it conveys their attitudes, emotions and values. A discussion on the ways of talking about lovemaking constitutes an important element of every modern, homogenous culture, especially when we consider the phenomenon of gender inequality. Hence, this study adds another piece to the puzzle in the field of Cognitive Linguistics and gender studies.

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## THE NEET YOUTH PROGRAM IN THE SUBCARPATHIAN VOIVODESHIP IN THE LIGHT OF NEW RESEARCH

This article focuses on unemployed persons who qualify as part of the so-called NEET category (Not in Employment, Education, or Training). These are individuals who are simultaneously not employed, are not receiving education in an education system, and not partaking in additional training courses. NEET status may refer to a person of any age who fulfills the above-noted conditions, but frequently, in research as well as labor market analyses, it is associated with young people. The aim of this article is to present the results of pilot studies conducted on young people who have been classified as being in the NEET category. The article is an introduction to comparative studies that will be conducted in Finland and Poland. As part of the pilot conducted in Poland, the attitudes of the unemployed towards the labor market and education were examined. The material collected allowed for statistical analysis using descriptive statistics. Dependency analyses were also performed. Apart from the technical aspects (the pilot program confirmed the usefulness of the tool and the procedures applied), the study provided an array of information on NEET. The article also uses existing sources, including, above all, statistics kept by Statistics Poland, as well as documents from labor market entities.

**Keywords:** Unemployed youth, employment services, labor market, NEET.

### 1. INTRODUCTION

The NEET acronym (*Not in Employment, Education, or Training*) pertains to individuals, who are simultaneously not employed, are not receiving education in an education system, as well as not partaking in additional training courses. NEET status may refer to a person of any age who fulfills the above-noted conditions; however, frequently in research as well as labor market analyses, it is associated with young people<sup>3</sup>. In addition, such a combination and research, as well as studies concerning individuals with NEET status, generally referring to young people, has caught on in Poland; while at the same time both at the level of analyses of European Union Member States and in Poland, depending

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<sup>3</sup> See: (Liszka, Walawender, 2018; Szcześniak, Rondón, 2011).

on the author or institution, various age groups as well as time intervals for remaining outside the labor market and education, have been adopted.

In 2010, before the European Commission, the Employment Committee (EMCO), as well as the Directorate-General for Employment, Social Affairs and Inclusion (DG EMPL) agreed upon the definition and methodology of a standardized indicator for measuring the size of the NEET population among the member states. This indicator defined a NEET individual as young, aged 15–24, who was also not participating in an education or training process. The NEET rate has been established as the share of those individuals who are not engaged in employment, education or training in the total population of young people in a given territorial area collectively (Mirończuk, 2014).

Rudimentary research on the NEET phenomenon in EU countries has been carried out by the Eurostat Labor Force Survey (EU LFS). Since 1992, data from Poland, under the name “Economic Activity of the Population” (BAEL), has been obtained from research conducted by Statistics Poland (GUS) (Center for Statistical Research and Education, 2015).

For both LFS data (for Poland) and Eurostat (for the EU), different age ranges have been adopted in relation to NEET young people. The category of “young people” is also ambiguous. It is often used interchangeably with the concepts of “youth”, “younger generation”, and recently, more and more often analyses include “young adults” (Grotowska-Leder, 2018). When it comes to Poland, before 2014, numerous divisions were used in individual indicators of Statistics Poland or in government studies (Cf. Fic, 2015; Saczyńska-Sokół, Łojko, 2016; Nagel, 2013; Pańkow, 2012).

Although the 15–29 age range has been adopted by the European Commission in documents of the European Social Fund (ESF) program, in Poland, where the obtained data make it possible, in accepting the above range, generally the analyses of NEET young people focuses primarily on individuals from 18 to 29 years of age.

Apart from a specified age, researchers and authors of labor market policies also regularly adopt a specific period of time in which a given person has not worked, been educated or trained to qualify as NEET. This is justified as otherwise the respondent would obtain NEET status on the day of the survey, which could even be the first day after completion of work, education or training.

In Poland, a four-week period is usually adopted according to Eurostat and the ILO, yet there are some exceptions to this rule. For instance, in the study entitled “Support for young people in the Masovian labor market”, a minimum period of 6 months within the last 12 months was adopted (Marczak, Turek, Wojtczuk-Turek, 2015). Adopting such a rigorous period of unemployment or education activity carries the risk of qualifying only individuals who are most distant from the labor market and education, or even socially excluded, to the NEET group.

Eurostat, within the framework of databases with statistical information, divides individuals from the NEET group into the following subgroups according to their job search activity:

- Unemployed individuals who are actively seeking employment – unemployed,
- Unemployed individuals, who are not actively seeking employment – inactive.

In Poland, with the exception of the aforementioned BAEL Statistics Poland research, which does not strictly concern itself with NEET young people, or even people aged 15 and over, there is no institution conducting regular or in-depth research of NEET young people at the national or regional level.

As for the value of the NEET indicator, according to the estimates of Statistics Poland as well as Eurostat, for the 25–29 age group for Poland, it does not differ much from the value for the European Union (in 2019 it was 17.7% for Poland and 16.6% for the EU-28 – Chart 1). Conversely, the value of the NEET index for the 18–24 age group for Poland is slightly lower than for the European Union (it was 11.1% for Poland and 13.2% for the EU-28 – Chart 1). In turn, there is a difference between the value of the indicator in the 15–17 age group for Poland and for the European Union (available data indicate that in 2016 it was 0.5% for Poland and 2.8% for the EU-28). Some researchers indicate that the migration background, which is not a common phenomenon in Poland, has a relatively strong impact (Pańkow, 2012; Szkutnik, Wąsowicz, 2016). Literature broaching the problems of the labor market in Nordic countries (Sweden, Finland, Norway, and Denmark) has indicated that the majority of young people terminating their education and training are men from immigrant backgrounds (Oloffson and Wadensjö, 2012 after Szkutnik, Wąsowicz, 2016). It has also been stated, that the lower the percentage of immigrants undertaking education and training in a given country, the lower the percentage of young people prematurely leaving the education and training system (Szkutnik, Wąsowicz, 2017).

Furthermore, compulsory education is in force in Poland for people up to 18 years of age, and this is respected to a large extent; meaning that relatively rarely is gainful employment undertaken before crossing this threshold and significant source of income (Pańkow, 2012). Polish jurisprudence also does not allow the registration of unemployed individuals under the age of 18 in public employment offices, and the lawful employment of such persons itself is permitted only as a form of apprenticeship, i.e. as part of the vocational education process. Considering the above, it is often accepted that expanding the 15–17 category for NEET young persons seems to be of little analytical use (Pańkow, 2012).

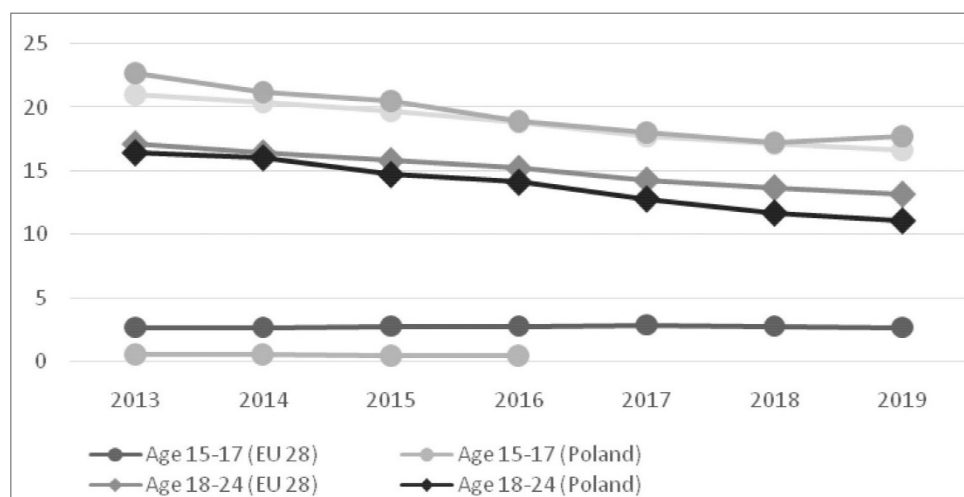


Chart 1. Young people not in employment or in education and training ranked by age (NEET rates: EU-28 and Poland)

Source: Personal study based on Eurostat data (edat\_ifse\_20).

## **2. RESULTS OF THE NEET PILOT STUDY IN THE SUBCARPATHIAN VOIVODESHIP**

### **2.1. Methodological assumptions of the research and characteristics of the research sample**

In 2019, labor market experts from Poland and Finland created a research team to carry out comparative research. The subject of the study was the category of NEET young people in both Poland and Finland. On account of the epidemiological situation (COVID-19), the implementation of the project was postponed and put aside. However, despite the difficulties, the Polish team managed to conduct a pilot study aimed at verifying the correctness of the questionnaire and analytical procedures. In addition to purely technical indicators, the pilot project yielded an array of information that enriches the somewhat modest knowledge about the NEET category in Poland.

The primary goal of the pilot project was to obtain extensive knowledge about the sources of professional inactivity of NEET youth and to identify barriers and difficulties in starting their profession. It was imperative to identify the aspirations and thoughts of young people in relation to their own situation in the labor market for the future, and their expectations related to employment. One of the objectives of the study was also to learn about activity in the non-professional sphere of life. The main issues included the following questions:

- Which of the socio-demographic characteristics (a person's sex, level of education, professional activity of parents/guardians) of the NEET respondents distinguish the respondents' attitudes towards employment?
- What are the needs and expectations of people from the NEET group in terms of professional and education activation (in the form of in-school and out-of-school learning)?
- What are the beliefs and attitudes of people from the NEET group on education, employment and a career?
- What are, in the opinion of the respondents, the main obstacles to achieving a specific goal in one's professional and personal life?

In order to achieve the assumed research goal and discover answers to the above-mentioned research problems, both primary and secondary sources of information were used. At the outset, an analysis was carried out of sources found, such as existing research reports, publications, and official statistics. In order to obtain information from primary sources, empirical research was carried out. Their subject was individuals belonging to the NEET population. The research covered a selected group of young people Subcarpathian Voivodeship in the NEET category. Due to the fact that the research was a pilot study, it was decided to limit the size of the studied sample to a minimum, i.e. one that would enable statistical analysis (but without the possibility of extrapolating the results to the entire population). Therefore, the sample size was assumed to be  $n = 60$ . The audit survey technique was used. Most of the questionnaire included close ended questions. It also included selected scales of attitudes.

Sixty individuals participated in the study, of which women constituted the vast majority (73%). The average age of the respondents was slightly over 24 (24.3). The youngest person in the study group was 18 years old, while the oldest 29 years old. Half of the respondents were 25 years of age or younger, while half were older. Individuals exactly 25 years of age appear most often in the study group – there were 14 of them. Most of the respondents'

marital status identified as single. They constituted  $\frac{3}{4}$  of the surveyed group (78%). Half of the respondents had a high school education, while every fourth respondent had graduated from higher education. People with a basic middle school education accounted for 14% of the surveyed group, while 10% had vocational education.

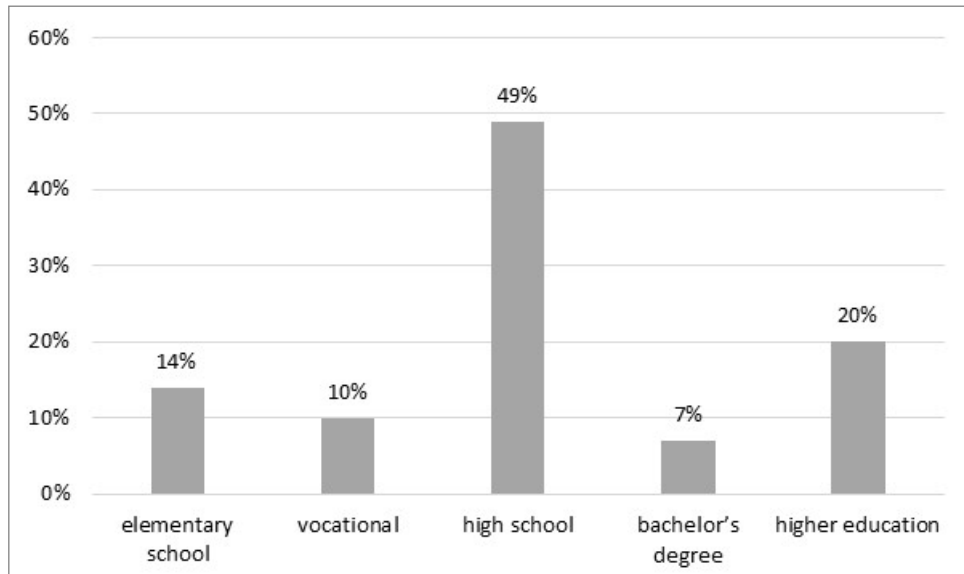


Chart 2. Education level of the surveyed respondents

Source: Personal study.

At the time of the survey, slightly less than half of the respondents (45%) resided in rural areas. Every fifth respondent lived in a large city with over 100,000 residents. The remaining respondents were residents of small and medium-sized towns. One of the surveyed individuals had a moderate degree of disability, while two individuals had a slight degree of disability.

Among the respondents, only one in five (17%) had never been employed. Nearly one-third of the respondents (30%) were individuals having professional experience longer than three years. Every fifth respondent (20%) had professional experience shorter than six months, while a similar percentage (22%) were individuals with six to twelve months of professional experience. The least numerous category were individuals with one to three years of professional experience (12%).

Most of the respondents had been out of work for less than a year (67%). Long-term unemployed individuals, i.e. those who had been without work for more than a year, constituted one third of the surveyed group (33%).

For most of the respondents, their primary source of income was the gainful employment of other members of their immediate family (62%); less frequently, were unemployment benefits or other forms of financial benefits provided by the government (12%) as well as odd jobs done "under the table" (10%).

## 2.2. Attitudes of the surveyed respondents toward employment and education

The vast majority of the respondents declared their willingness to seek employment (86%). Only 14% of the respondents are seeking employment. Those who are seeking employment, do it with a strong commitment. When asked to assess their level of commitment on a scale from 1 to 5, where 1 corresponds to a very low level of commitment, and 5 – a very high level of commitment, the respondents most often assessed their commitment to seeking employment very highly (5 points). Such an assessment was acknowledged by 39% of the respondents. The average assessment for commitment in seeking employment is 3.9. Only 7% assessed their commitment at 1 point. The coefficient of variation at a level of 30.6% indicates that the respondents' assessment of seeking employment is quite varied.

The respondents most often sought employment by checking job offers on the internet (75%) and thanks to information received from family and friends (47%). Relatively rarely, the respondents sought government assistance (17%). The lack of appropriate professional qualifications (13 respondents) and the lack of job offers in the immediate vicinity (7 respondents) were the reasons most often indicated for not seeking employment.

The following factors which most disrupted seeking employment were most often mentioned by the respondents: lack of training or professional experience (47%), lack of appropriate qualifications for which there is a market demand (37%), financially unattractive employment offers (very low earnings) (28 %), as well as the lack of job offers in their learned profession (23%).<sup>4</sup>

The attitude of the respondents toward education is interesting. In order to study this issue, respondents were asked to rate a number of statements relating to education on a scale from 1 to 5, where 1 corresponds to "I completely disagree" and 5, "I completely agree".

Table 1. Descriptive statistics of opinions on education

	Average	Me	Mo	N <sub>Mo</sub>	Odch.std	V <sub>z</sub>
I have completed my education and see no need for further education	2.75	3	3	21	1.14	41.61
I see a need for further formal education and training	3.87	4	5	22	1.19	30.66
I am motivated to learn	3.65	4	4	19	1.19	32.62
I am a person who feels confident when learning	3.54	4	4	25	1.21	34.10
I see adult learning as an important opportunity	4.05	4	5	28	1.10	27.06
I encourage others to learn	3.27	3	3	19	1.30	39.80

Source: Personal study.

The above-mentioned respondents assessed their perception of adult learning as an important possibility (the average score was 4.1); their perception of the need for further formal studies and training was slightly lower (average score 3.9). The assertion that the respondent had completed their education at a satisfactory level and there was no need for

<sup>4</sup> The respondents were allowed to provide more than one answer.

further education (2.8) received the lowest score. This affirmation did not gain acceptance from all of the respondents, and is also characterized by the greatest variation in assessment ( $V_z = 41.61\%$ ).

Almost three quarters of the respondents (71%) declared their willingness to begin the process of education or training in the near future. Almost every third respondent (29%) did not declare such a willingness.

Individuals who wanted to take up education or training most often intended to engage in training and courses to improve their professional qualifications (53%), undertake supplementary master's degree courses (higher education institution, university) (13%), or intended to enroll in an evening/extramural classes for adults (high school) (10%).

In turn, people who did not want to undertake education activity were mainly motivated by a lack of finances (18%), satisfaction with their education level (17%) and a lack of motivation (10%).

In order to complete education and/or develop competences, the respondents would above all need finances to be able to invest in their education (63%), to gain experience through apprenticeships internships organized by employers (28%), and career counseling (23%). For 18% of the respondents, a wider offer of specialist training would also be key.

The respondents were also asked to describe on a scale from 1 to 5, their own state of mind concerning the situation of being unemployed, where 1 corresponds to a very bad state of mind and 5 – a very good state of mind.

Table 2. Descriptive statistics for the assessment of state of mind while unemployed

	Average	Me	Mo	N <sub>Mo</sub>	Odch.std	V <sub>z</sub>
Defining of state of mind in a situation of being unemployed	2.3	2	3	22	1.0	43.0

Source: Personal study.

The average assessment of state of mind in a situation of being unemployed is 2.3 points. Most often, state of mind was rated at 3 points – this was indicated by 22 individuals (37%). Half of the respondents rate their state of mind at 2 points or less, while half rate it higher. The coefficient of variation indicates quite a large differentiation in the assessment of the state of mind in the studied group of respondents (43%).

The type of hobby most frequently cited by respondents was sports (43%). Fashion, cosmetics, appearance and hairdressing are the favorite hobbies of every third respondent (32%). The hobbies next in line are: reading books (22%), fine arts (painting, singing, dancing, music, and handicrafts) (22%), as well as cooking, healthy eating, global cuisine (22%).

The respondents primarily spend their free time on: meeting with friends (e.g. parties, discos, etc.) (50%), being active on social networks (48%), playing sports (48%) and listening to music (48%).

When evaluating relationships with one's colleagues and friends on a scale from 1 to 5, where 1 corresponds to very bad relationships and 5 to very good relationships, it should be noted that these relationships are at least good.

Table 3. Descriptive statistics for the assessment of relationships with one's colleagues and friends

	Average	Me	Mo	N <sub>Mo</sub>	Standard deviation	V <sub>z</sub>
Assessment of relationships with one's colleagues and friends	4.2	4	5	26	0.9	21.1

Source: Personal study.

The average assessment for relationships with one's colleagues and friends is 4.2 points. Relationships were most often rated at 5 points – this was indicated by 26 people (44%). Half of those surveyed about their relationships with colleagues and friends rate them 4 points or less, while less than half rate them higher. The coefficient of variation indicates that the assessment of one's relationships with colleagues and friends in the studied group of respondents is not very differentiated (21.1%).

If a potential employer asked the respondent about their competences, the respondents would most often mention: honesty, loyalty (72%), diligence, reliability, stubbornness (53%), a fast learner, an ability to adapt to new working conditions (52%) and resistance to stress (43%).

The respondents, when it came to their weaknesses in the role of an employee, indicated: lack of professional experience or apprenticeship (45%), unfamiliarity with foreign languages (30%), as well as a lack of "connections" and contacts (25%).

The respondents were also asked to refer to and rate on a scale from 1 to 5, where 1 means "definitely no," and 5 means "definitely yes," to a number of statements relating to the so-called level of social trust.

Table 4. Descriptive statistics for the assessment of the level of social trust

	Average	Me	Mo	N <sub>Mo</sub>	Odch.std	V <sub>z</sub>
I am able to influence my life	3.83	4	4	34	0.78	20.47
It is easy for me to get support	3.53	4	3.4	23	0.89	25.24
I trust other people	3.40	3	3.4	22	0.89	26.08
Most people are trustworthy	2.88	3	3	25	0.94	32.62
Most people are honest	2.85	3	3	27	0.86	30.18
I trust officials (from institutions supporting young people, County Employment Office, etc.)	2.85	3	3	24	1.02	35.87
I trust my parents/guardians	4.27	5	5	32	1.04	24.36
I trust my friends/colleagues	3.98	4	5	22	1.02	25.52

Source: Personal study

The respondents had the highest trust in their parents and guardians (average 4.27). Trust in friends and colleagues was rated slightly lower (3.98). However, the lowest scores were given to trust in officials (2.85) and the statement that "most people are honest" also (2.85).



### 2.3. Dependency Analyses

The results of the research were also used for dependency analyses. This analysis included a numerical and percentage breakdown as well as the results of the Mann-Whitney U test, Kruskal Wallis ANOVA test, Pearson chi-squared test of independence, and Spearman's rank correlation coefficient analysis, allowing assessment of whether the relationship or differences between the selected features are statistically significant. The significance level  $\alpha = 0.05$  was adopted for the research. It is assumed that: when  $p < 0.05$  there is a statistically significant relationship (marked with \*);  $p < 0.01$ , there is a highly significant relationship (\*\*);  $p < 0.001$ , there is a very high statistically significant relationship (\*\*\*)).

Whether variables considered as independent, e.g. a person's sex, age, marital status, education level, place of residence, as well as whether the respondent was dependent on one's family or was being raised by a single parent had any impact on their professional activity in the labor market, were verified. As the studied features were quantitative and qualitative, the Mann-Whitney U Test was used for the study (in the case when the qualitative trait had two categories: a person's sex, being raised by a single parent, being dependent on one's parents) and the Kruskal-Wallis ANOWVA test in the case when the qualitative characteristic had more than two categories (marital status, education level, place of residence).

The conducted analyses show that being raised by a single parent, as well as whether the respondent is dependent on their parents, are not related to professional activity in the labor market. The results of the remaining research are presented in Table 5.

Table 5. Results of the Mann-Whitney U Test as well as the Kruskala-Wallis ANOWVA test

	Sex	Marital status	Education level	Place of residence
	p			
Level of commitment to seeking employment	0.0053**	0.0054**	0.0270*	
I am motivated to learn	0.0054**	0.0218*	0.0448*	
I encourage others to learn			0.0188*	
I am able to influence my life				0.0492*
I trust my friends/colleagues			0.0329*	
I am optimistic about the future	0.0006***	0.0195*		
I feel wanted	0.0304*			

Source: Personal study.

The conducted research indicates that a person's sex has an impact on the level of commitment in seeking employment  $p < \alpha$  ( $p = 0.0053$ ), their motivation to learn  $p < \alpha$  ( $p = 0.0054$ ), their feeling of optimism about the future  $p < \alpha$  ( $p = 0.0006$ ) and the feeling of being wanted  $p < \alpha$  ( $p = 0.0304$ ). In all of the examined aspects, women rated individual areas higher: they have a stronger level of commitment in seeking employment (4.22), are more motivated to learn (3.91), are more optimistic about the future (3.84) and feel more wanted (3.82).

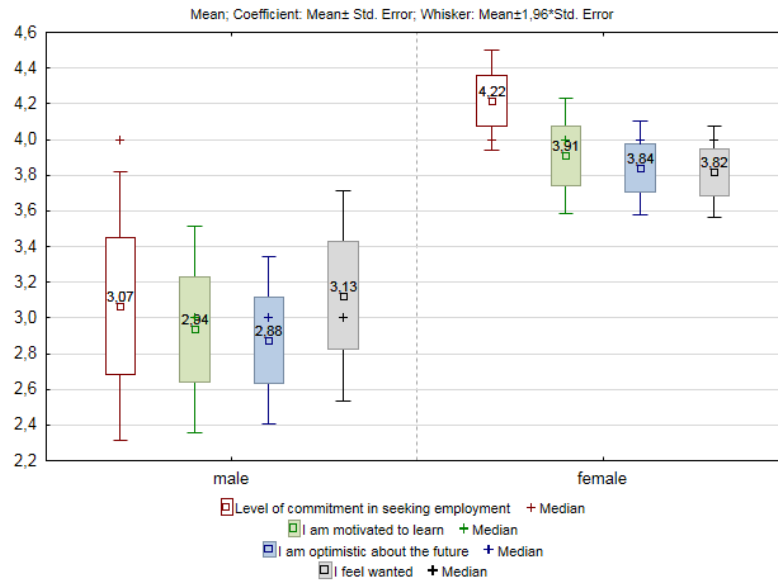


Chart 3. A person's Sex and the average assessment of the level of commitment in seeking employment, motivation to study, a feeling of optimism and the feeling of being wanted

Source: Personal study.

Another variable differentiating the results is the marital status of the respondents. The conducted research shows that marital status was related to the level of commitment in seeking employment  $p < \alpha$  ( $p = 0.0054$ ), motivation to learn  $p < \alpha$  ( $p = 0.0208$ ) and a feeling of optimism  $p < \alpha$  ( $p = 0.0195$ ). The highest level of commitment in seeking employment is married women (4.58), and the lowest is unmarried men (3.08). The most motivated to learn are unmarried women (3.94), yet married women show only slightly less commitment (3.92). Unmarried men are the least motivated to learn (3.0). Similarly, married women are the most optimistic about the future (4.0), while unmarried men are the least optimistic (3.08).

Another variable that differentiates the results is education level. Education level was related to the level of commitment in seeking employment  $p < \alpha$  ( $p = 0.0270$ ), motivation to learn  $p < \alpha$  ( $p = 0.0448$ ), encouraging others to learn  $p < \alpha$  ( $p = 0.0188$ ) and having trust in one's friends and colleagues  $p < \alpha$  ( $p = 0,0329$ ). The strongest level of commitment in seeking employment was found in individuals with a high school education (4.28), while the least had an elementary or middle school education (2.17). Respondents with higher education (4.08) are the most motivated to study, while the least motivated respondents had an elementary or middle school education (2.38). In this case, one can advance the assertion that the higher the education, the greater the motivation to study. Most often, individuals with higher education (4.08) encourage others to learn, while individuals with an elementary or middle school education (2.00) encourage learning the least. People with a bachelor's degree (4.5) have the greatest trust in their colleagues and friends, while those with a vocational education trust them the least (3.0).

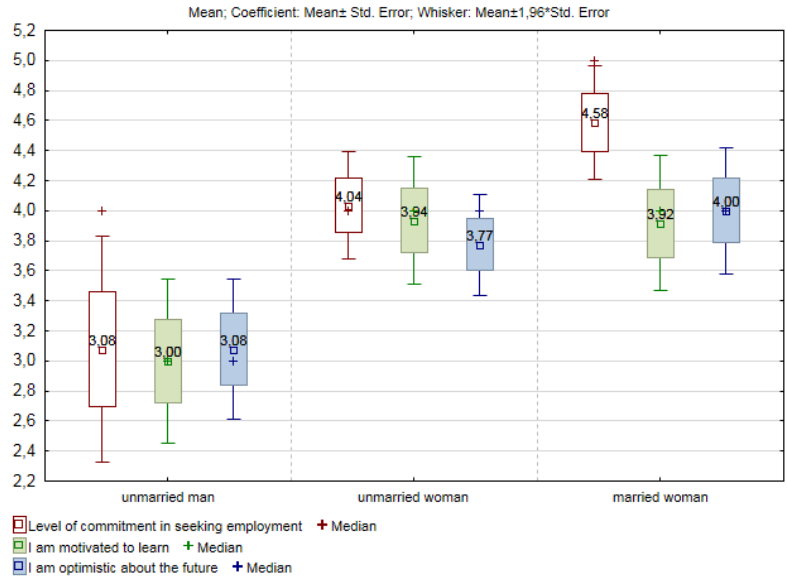


Chart 4. Marital status and average assessment: level of commitment in seeking employment, motivated to study, as well as being optimistic

Source: Personal study.

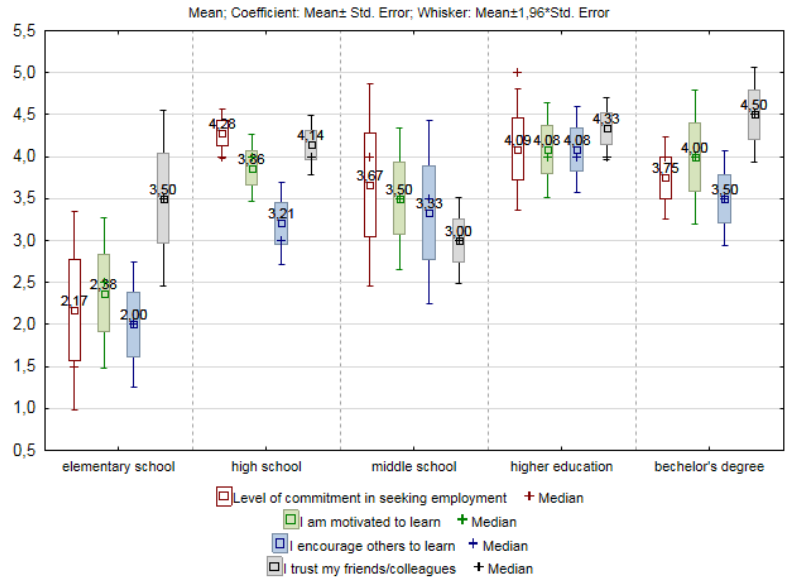


Chart 5. Education level and average assessment of the level of commitment in seeking employment, motivation to learn, encouraging others to study, and trust in colleagues and friends

Source: Personal study.

The place of residence was related to how the respondents assessed the possibility of influencing their lives,  $p < \alpha$  ( $p = 0.0492$ ). The larger the place one lives, the greater the feeling of being able to influence one's life. This impact is assessed the highest by individuals living in large cities with more than 100,000 inhabitants (4.45).

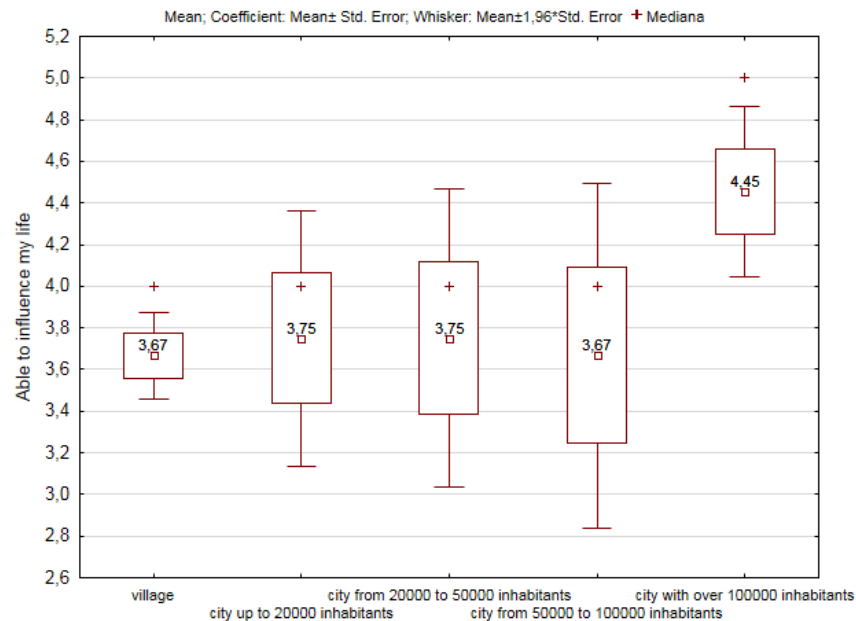


Chart 6. Place of residence and assessment of the possibility of influencing one's life

Source: Personal study.

Whether a person's sex, marital status, education, place of residence, being raised by a single parent, and being dependent on one's family had an impact on selected features related to the state of being unemployed was verified. As the analyzed features were of a qualitative nature, the Pearson chi-squared independence test was used in the research.

The conducted research demonstrates that being raised by a single parent had no effect on the selected features. The results of the remaining tests are presented in Table 6.

The analyses demonstrated that an individual's sex was related to professional experience  $p < \alpha$  ( $p = 0.0028$ ), time unemployed  $p < \alpha$  ( $p = 0.0169$ ), seeking employment  $p < \alpha$  ( $p = 0.0174$ ), and planning to gain employment or education in the near future  $p < \alpha$  ( $p = 0.0054$ ).

Women have much more professional experience; every third woman (36%) has been employed for more than 3 years, 27% have worked for 6 to 12 months, and 14% have worked for one to three years. In the group of men, as much as 44% have never been employed, while 31% have worked for less than 6 months. Men were unemployed for a longer duration than women; as many as 38% had been unemployed for more than 2 years, and every fifth man had been unemployed for one to two years. The percentage of men who

had been unemployed for up to 3 months (31%) is quite large. In the group of women, the most frequent duration of unemployment is from 3 to 6 months (43%), and every fifth woman has been unemployed for up to 3 months (19%). Women seek employment much more often (93%), while in the group of men only 69% of the respondents were seeking employment.

Table 6. Pearson's chi-squared test for independence results. A person's sex, marital status, education level, place of residence, whether dependent on family, and selected features related to the state of being unemployed

	Sex	Marital Status	Education level	Place of residence	Dependent on family
	<i>p</i>				
Professional experience	0.0028**	0.0001***			
Time unemployed	0.0169*		0.0175*		
Main source of income during unemployment					0.0055**
Main source of income during unemployment is family					
Whether residing with other unemployed individuals					
Seeking employment	0.0174*		0.0000***	0.0182*	
Plans on gaining employment or education in the near future	0.0054**		0.0480*		

Source: Personal study.

Women more often also demonstrated their intention to take up employment (81%), while in the group of men only 44% of the respondents showed such an aim. Marital status was related to professional experience  $p < \alpha$  ( $p = 0.0001$ ). Married women have the greatest professional experience, as many as 67% have been employed for over 3 years, and every fourth has been working for one to three years. On the other hand, unmarried men have the least experience, almost half (46%) have never been employed, and 31% have worked for less than 6 months.

Education was associated with the duration of being unemployed  $p < \alpha$  ( $p = 0.0175$ ), seeking employment  $p < \alpha$  ( $p = 0.0000$ ) and the intention to take up employment or education in the near future  $p < \alpha$  ( $p = 0, 0480$ ).

Individuals with an elementary or middle school education remain unemployed the longest – as many as 63% have been unemployed for over 2 years. People with a vocational education were unemployed for the shortest period – as many as 67% had been unemployed for less than three months, and those with a higher education – 45%, had been unemployed for less than 3 months. Ordinarily, individuals possessing the lowest education (elementary or middle school) as many as  $\frac{3}{4}$  – 75%, are not seeking employment; while in the group of individuals having a higher education, 17% of respondents are not seeking employment. In the remaining groups of education everyone is seeking employment. Individuals possessing

a bachelor's degree (100%) as well as a high school education (79%) and higher education (75%) are most likely to be willing to work. The largest percentage of individuals who do not show a willingness to work is in the group of respondents with an elementary or middle school education (63%), as well as a vocational education (50%).

Place of residence was related to seeking employment. Most often, individuals living in cities with 20 to 50 thousand inhabitants seek employment (50%) and (18%) in the largest cities – over 100 thousand inhabitants. Being dependent on one's family was related to the main source of income while being unemployed. The vast majority of people who indicated that they are dependent on their family during unemployment survive on the gainful employment of other members of their immediate family (86%).

### 3. CONCLUSION

Limiting the scale of the NEET phenomenon presents a challenge for entities in the labor market. Therefore, it seems reasonable to conduct research concerning this category of the unemployed. Unfortunately, in Poland research of this type is still relatively rare. It is indeed a challenge for researchers. This is primarily due to difficulties in accessing individuals in the NEET category or difficulties in persuading respondents to provide answers. Such problems were also encountered by those conducting the pilot studies, the results of which are discussed in this article. However, despite lacking the possibility of extrapolating the research results (pilot), much information was obtained, which in the future may become an inspiration for raising new research problems and research hypotheses.

Above all, the research results indicate that the respondents are seeking employment and are strongly committed to this search. The study showed that individuals mainly seek employment via the Internet and thanks to information coming from one's own family. The respondents assessed their chances in the labor market as low, mainly due to a lack of appropriate professional qualifications and a lack of professional experience. They consider their own personality traits, such as loyalty, diligence and stubbornness, to be their strengths within the context of competing for a job. They assessed very highly the role of education as a factor in achieving success in the labor market. This thesis is substantiated by a high percentage of those wishing to continue their education or take additional training. Unfortunately, those who are often interviewed about the implementation of these plans are hampered by a lack of finances. The respondents are in a poor mental state, as evidenced by a low self-assessment of their state of mind. Their free time is filled by meeting with friends as well as on social networks. The respondents indicate quite strong friendship ties. The respondents had the highest trust in their parents and guardians, while their trust in friends and colleagues was slightly lower. Trust in officials was rated the lowest.

Dependency analyses have shown that such variables as being raised by a single parent, and whether the respondent is dependent on their parents, are not related to one's professional activity in the labor market. Contrastingly, such features as a person's sex, age, marital status, education and place of residence have a significant impact on this activity. Also examined was whether a person's sex, marital status, education, place of residence, being raised by a single parent and being dependent on the family have an impact on the selected features related to the state of being unemployed. The analyses indicated that only the "being raised by a single parent" variable had no effect on the selected features.

In summarizing the research results, it should be stated that the NEET category representatives who were surveyed assess their competences realistically. This is not an

overestimation. The research also demonstrates one more important conclusion: there is a great need to create the widest possible opportunities for young people to gain professional experience (e.g. in the form of apprenticeship or internship programs). In the case of the NEET group, free forms of education are of particular importance, on account of the often difficult financial situation of the NEET group representatives.

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## CONSUMER PROTECTION IN PRACTICE – A TRANSNATIONAL COMPARATIVE ACCOUNT OF COLLECTIVE REDRESS MECHANISMS

*(Part two: the Dutch and the English approaches)<sup>2</sup>*

This article constitutes a continuation of the research conducted so far in the domain of collective consumer redress in the European Union. The aim of the article is to discuss the issue of various legal mechanisms functioning in the selected EU Member States that serve consumers as a means of collective redress. In the first part of this paper, it was presented that the models of consumer protection vary significantly in the individual Member States. After having scrutinized some terminological remarks regarding consumer law enforcement, the main analysis focuses on the legal solutions adopted in Belgium. In the second part of the discussion, the author presents relevant legal solutions adopted in the UK and the Netherlands. Specifically, the author discusses the various approaches to the issues fitting in the dichotomic scheme, that is, the so-called opt-out and opt-in mechanisms. Special consideration is devoted to the issue of admissibility of collective redress and legal standing to bring collective actions. The paper employs dogmatic and analytical methods for the process of interpretation of the normative material and the analysis of case law. The study uses the comparative perspective to identify solutions emerging from effective practices found in legal systems of the EU Member States. The findings emerging from the analysis show how significantly the Dutch and English systems of collective redress vary. The article also provides some tentative conclusions that would make it possible to decide which legal solutions operating with success in those jurisdictions could be adopted into Polish law.

**Keywords:** Consumer disputes, collective redress, private enforcement, class action, group settlement, group litigation order.

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## 1. INTRODUCTION

Consumer protection law has a long tradition in the European Union (Łętowska, 2004). Over the years a number of measures have been taken at the EU level aiming at establishing proper consumer protection (Hodges, Voet, 2018). EU consumers are granted a wide range of rights which are dispersed in a number of the EU consumer directives, implemented to the national legislations. Consequently, in the EU there has been extensive harmonization of Member State's consumer protection law. However, it must be noticed that for consumer rights to be effective there must be effective sanctions in the event the rights are not respected (Eidenmueller, Fries, 2016). In the area of EU consumer law, enforcement is entirely left in the hands of the Member States (Faure, Weber, 2017). The implication is that in the EU mechanisms of consumer law enforcement differ significantly (Mucha, 2019). Bearing this in mind, the aim of this paper is to analyse a range of mechanisms that can be used for the purpose of very specific type of consumer law enforcement, namely collective redress. The author aims to answer the question which of such mechanisms used successfully in different Member States could be implemented in Poland.

The first part of this paper included brief discussion of some terminological remarks regarding consumer collective redress, which was followed by the analysis focused on the legal solutions adopted in Belgium (Mucha, 2019). In the foregoing, the second part, the paper concerns the mechanisms adopted in the Netherlands as well as in England and Wales. Specifically, the discussion presents the opposite approaches to the way in which the represented group is composed in both jurisdictions (so called opt-out and opt-in mechanisms). Special consideration is devoted to the issue of admissibility of collective redress and legal standing to bring collective actions in the Netherlands as well as in England and Wales.

## 2. THE DUTCH PERSPECTIVE

Comparing to other EU Member States, in the Netherlands there is a truly unique system of collective redress. It is based on two regulations: (i) the 2005 Dutch Collective Settlement Act (*Wet Collectieve Afwikkeling Massaschade*, hereinafter referred to as the "WCAM") and (ii) the 2020 Act on the Resolution of Mass Claims in Collective Actions (*Wet Afwikkeling Massaschade in Collectieve Actie*, hereinafter referred to as the "WAMCA"). While the first one has a long tradition of use, the second one is brand new legislative initiative and the first experiences as regards its application are to be observed only in the near future. Interestingly, the mechanisms provided in WCAM and WAMCA may be exploited in a wide range of matters, including (but not limited to) enforcement of consumer rights. It is significant to note that both procedures enable consumers to obtain compensation. In what follows both the mechanisms provided by the Dutch legislator are scrutinised and some examples of the relevant case law are given in order to illustrate how the said mechanisms operate in practice.

### 2.1. Collective settlement under the Dutch Collective Settlement Act ("WCAM")

Introduction of the WCAM in 2005 was considered as a significant step towards a more efficient resolution of mass damage claims in the Dutch legal system (Arons, Van Boon, 2010). What makes this act unique compared to other Member States legislation regarding collective redress is that under the WCAM class actions are admissible only if the collective settlement is reached. The WCAM provides for a specific procedure in cases involving

declarations that collective settlements of damage claims are binding. The proceedings may be divided into four phases (Krans, 2014).

In the first part of the proceedings which is entirely private and non-court supervised, the parties to the dispute shall reach settlement. On behalf of the claimant it is reached by the Dutch foundation or association with full legal competence representing the interests of the members of the group. The legal standing of such entities is particularly important in the context of commencement of the procedure recognizing the settlement as binding before the court (second phase of the proceedings). On behalf of the defendant the settlement is concluded by one or more parties who have engaged themselves under the settlement to pay compensation for the damage.

In the second phase of the said proceedings, the above mentioned parties to the settlement jointly initiate the procedure recognizing the collective settlement as binding. They submit a joint petition to the Amsterdam Court of Appeal (having exclusive competence to take cognizance in first instance of a request) in which they request the court to make the agreement binding for persons to whom the damage was caused. The Dutch law specifies the admissibility criteria for such request for recognition and the settlement itself. Pursuant to the provision set forth in Article 1018c of the Dutch Code of Civil Procedure the request to the Court shall include (i) the name and place of the petitioners' residence and of the persons known to the petitioners on whose behalf the agreement was concluded, (ii) a description of the event or events to which the agreement relates, (iii) a brief description of the agreement and (iv) a clear description of the request and the grounds on which it was based.

The agreement on collective settlement shall be attached as an appendix to the request. It must include: (i) a description of the event(s) to which the agreement relates, (ii) a description of the group(s) of person on whose behalf the agreement was concluded, specifying the nature and the seriousness of their loss, (iii) possibly most accurate the number of persons belonging to the group(s), (iv) the compensation that will be awarded to these persons, (v) the conditions which these persons must meet to qualify for the compensation, (vi) the procedure by which the compensation will be established and can be obtained, (vii) the name and domicile of the persons to whom the written notification regarding opt-out procedure must be submitted (see: Article 7:907 par. 2 of the Dutch Civil Code).

The court shall reject the request if the agreement does not comply with the provisions specified above. It must be noted that the court has influence on the merits of the collective settlement. Among others, it can, reject the request of the parties under the following conditions: the amount of the compensation is nor reasonable, if it is insufficiently certain that the rights of the members of the group resulting from the agreements can be performed, or if the interests of persons on whose behalf the agreement was concluded cannot be adequately safeguarded. Before making a decision, the court may, with the approval of the parties to complete or amend the agreement, or give parties the opportunity to add further contractual provisions to the agreement to change its content.

The collective settlement procedure specified in the WCAM shall be classified as the opt-out procedure. It means that the whole group is composed of the individuals who claim to have been harmed by the same or similar infringement. Unless they opt-out from the group, they can benefit from the judgement and consequently they cannot seek compensation individually. The WCAM provides specific, detailed procedure for the member's participation in the group. In line with opt-out approach a copy of the decision to

declare the collective settlement agreement binding is sent by post individually to all the persons known to be entitled to the compensation and to the foundations or associations that appeared at the proceedings. Additionally, after the decision has become irrevocable, a notice about the court decision is published in one or more newspapers, designated by the court. Each notice includes a brief description of the agreement. In particular it specifies the method by which the compensation can be obtained and, if the agreement provides so, the period within which the claim for compensation must be made, as well as the consequences of the declaration that the agreement is binding. Importantly, the notice must include the information about the period within which and the procedure by which persons entitled to the compensation can free themselves from the consequences of the declaration that the agreement is binding.

In the third part of the proceedings a person entitled to the compensation who does not wish to be bound by the agreement must notify it in writing, within the period determined by the court (at least 3 months following the announcement of the court decision). The declaration that the agreement is binding has no consequences for such person who opted out within the specified timeframe. Additionally, it has also no consequences for the person entitled to compensation who could not have known of his damage at the time of the announcement but who has notified a person mentioned in the settlement agreement in writing after becoming aware of his damage that he does not want to be bound by the agreement.

In the fourth phase of the proceedings the compensation shall be paid to the all members of the group who have not opted out.

## **2.2. Examples of the collective settlements concluded under the WCAM**

Since WCAM in the current shape was introduced over 15 years ago, the mechanism of collective settlement provided by this act has been tested several times so far. Before introduction of WCAM in 2005, the Dutch law had two key limitations. Firstly, it was impossible to claim compensation for injured persons collectively (Hodges, Voet, 2018). Secondly, it lacked the possibility to force the injured persons into settling mass claims with some degree of finality (Arons, Van Boon, 2010). These weaknesses of the Dutch law became particularly visible against the background of the in the pharmaceutical product liability case *DES* (Tillema, 2016). In order to address the problems which occurred in this case, the WCAM has been introduced.

### ***DES* case**

The case concerned several thousand women suffering for the cervical and breast cancer. The injuries occurred as a result of application of the DES hormone which was taken by the mothers of the injured women during their pregnancy. The Dutch Supreme Court examined the issue of causation between the physical injuries and the fact of taking the medicines including DES hormone by women and found that the pharmaceutical industry is liable for the injuries. The DES manufacturers wanted to reach the settlement, however under the Dutch law it was only possible to be settled individually. Since the total number of the persons negatively influenced by DES was estimated at the level of 400.000, the statutory legislation was indispensable to make the collective settlement binding (Van der Heijden, 2010). The victims were represented by the DES Centre- organisation which was created in order to protect the interests of the DES daughters. The DES manufactures established a fund that included 35 million of euro and wanted to pay compensation to the

victims, provided that the settlement is final for all the Dutch victims. In order to manage the settlement, the Dutch Ministry of Justice was looking for a general solution which could be also applied in the similar cases in the future. As a result of the DES case the WCAM was introduced. In line with this new legislation in 2006 the Amsterdam Court of Appeal declared the settlement binding.

#### ***Converium case***

Although the WCAM was initially designed to respond to the problems with the management of the product liability case, over the years it was used in the cases regarding financial products and securities (Bosters, 2017). One of the most famous collective settlement which was considered binding by the Amsterdam Court of Appeal was the *Converium* case. It concerned Swiss reinsurance company Converium and the Zurich Financial Securities (ZFS) which owned the shares in Converium. The shares were listed in the Swiss Stock Exchange and on the New York Stock Exchange (as American depository shares). After the ZFS had sold the shares through the public offer, the value of the shares plummeted since the Converium increased its loss reserves. As a result, a number of class actions was brought by several investors coming from various jurisdictions. In the United States the settlement was reached, however according to the court in the New York it was binding only for the US class members. Therefore, investors stemming from different jurisdictions (including the Netherlands, the UK and the Switzerland) concluded a parallel settlement which was brought to the Amsterdam Court of Appeal. The court ruled that it has an international jurisdiction to approve of the settlement of non-US class members. Such ruling was viewed as surprising since in this case there was no link to the Netherlands. The claims were not brought under the Dutch law, the shares were not traded on the Dutch stock exchange, the alleged wrongdoing took place outside the Netherlands, none of the potentially liable parties and only a limited number of the potential claimants were domiciled in the Netherlands (Knigge, Wijnberg, 2020). In its decision of 2012 the court held the settlement in the amount of 58 million of euro binding to all the class members. Quite interestingly it ruled that the American lawyers involved in the settlement can obtain a contingency fee in the amount of the 20% of the settlement. In the international legal environment the decision was widely discussed – Amsterdam was called a global hub for international class settlements involving non-US class members (Hodges, Voet, 2018; Clifford Chance 2012).

#### ***Ageas (Fortis) case***

Another interesting settlement approved of by the Amsterdam Court of Appeal was the one concluded in the *Ageas (Fortis)* case in 2018. The value of the case amounted to 1,3 billion euro and so far it is the largest settlement of this kind approved of in Europe. The case concerned the Ageas, the legal successor of Fortis- a Belgian-Dutch bank insurance group which started its international expansion. The dispute arose in relation to the takeover of one of the Dutch banks by the consortium of three banks, including Fortis. In order to finance the transaction Fortis increased the amount of capital and issued new shares to the existing shareholders at the lower price. The dispute referred to the alleged misleading statements of Fortis towards its shareholders. When the shares of Fortis went down the company announced that it is more seriously exposed to the US subprime market and decided to limit the dividend to the shareholders (Declève, 2017). After the fall of the US Lehman Brother bank the Fortis customers started to withdraw their deposits and the share

price dropped again and there emerged a serious risk that the Fortis would declare bankruptcy. In order to prevent it the Dutch and Belgian governments proposed nationalisation of Fortis. As a result many proceedings against Fortis were initiated by its shareholders in Belgium, the Netherlands and in the US. In 2016 all the parties reached settlement according to which the Ageas was supposed to pay 1,2 billion euro compensation to all of its shareholders who held shares in the specific timeframe. In 2016 the settlement was submitted to the Amsterdam Court of Appeal which declined to approve the settlement. The court found that it should not vary the amount of compensation for active and passive claimants (who filled the legal proceedings before and after the settlement was announced, respectively). It also criticised the amount of the fees paid to the organisation representing the shareholders. As a consequence the parties concluded a revised settlement agreement which, among others, included a 100 million euro increase of the settlement<sup>3</sup>. In 2018 the court approved the revised settlement agreement, stating 5 months term for shareholders to opt out<sup>4</sup>. Until now more than 1 billion euro has been paid as a compensation to the shareholders<sup>5</sup> who did not opt out and filed the claims for payment.

### **2.3. Collective actions under the Dutch Act on the Resolution of Mass Claims in Collective Actions (“WAMCA”)**

Before 2020, the Netherlands had a system of collective redress in which the representative entities (Dutch foundations or associations) could have sought only a declaratory or injunctive relief on behalf of the class claimant. Compensation could have been awarded to the group only by means of collective settlement approved by the Amsterdam Court of Appeal under the WCAM. Starting from 1 January 2020, this route was extended by the new legislation – the WAMCA – and now the foundations and associations acting on behalf of class members can also claim damages arising out of the harm suffered. In order to make a claim for damages admissible, the collective action must relate to the event which took place on or after 15 November 2016. The former regime, enabling seeking declaratory or injunctive reliefs only, remains in force in relation to the collective actions arising out of the events which took place before 15 November 2016 and/or to the actions initiated before 1 January 2020.

The WAMCA provides for specific requirements relating to the legal standing of the foundations and associations which may bring the class action. Under Article 305a of the Dutch Civil Code, at the first place they must have a full legal capacity. In order to institute a legal action for the protection of the similar interests of the group members, the foundations or associations must represent these interests by virtue of their articles of association. The said interests must be also sufficiently safeguarded, which is reflected by the obligation of the entity bringing a representative collective action (i) to have a supervisory board, (ii) to provide appropriate and effective mechanisms for the participation or representation in the decision-making of the members of the group, (iii) to

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<sup>3</sup> Revised settlement agreement in English is accessible online at. Access on the internet: [https://www.forsettlement.com/pdf/Second\\_Amended\\_and\\_Restated\\_Settlement\\_Agreement\\_E.PDF?v=1.3.3](https://www.forsettlement.com/pdf/Second_Amended_and_Restated_Settlement_Agreement_E.PDF?v=1.3.3)

<sup>4</sup> <https://corporatefinancelab.org/2018/07/16/revised-e13-billion-settlement-in-the-fortis-case-approved-by-dutch-court/> [Access: 20.11.2020].

<sup>5</sup> Updated information regarding the settlement and amount of payments are available online [Access: 20.11.2020]. Access on the internet: <https://www.forsettlement.com/>

have sufficient resources to bear the costs of instituting class action, (iv) to have a generally accessible internet page which includes several information<sup>6</sup>; and (v) to have sufficient experience and expertise with regard to instituting and conducting legal claims.

Unlike the WCAM, the WAMCA provides that the Dutch courts will have a jurisdiction over the class action only if the sufficient link with the Netherlands exists. In line with Article 305a para. 3 of the Dutch Civil Code, the class action has a sufficiently close relationship with the Dutch legal order when (i) the majority of the group members have their habitual residence in the Netherlands or (ii) the defendant is domiciled in the Netherlands and additional circumstances indicate sufficient relationship with the Dutch legal order or (iii) the event or events to which the legal claim relates has or have taken place in the Netherlands. Class actions initiated under WAMCA shall be brought to the one of the district courts in the Netherlands. The general rule is that the claim shall be brought to the court in the place of the defendant's domicile.

In order to make the claim admissible the entity representing the class must also contact the defendant before submitting the claim. The Article 305a para. 3c of the Dutch Civil Code stipulates that the period of two weeks after the defendant receives the request for consultation, stating what has been claimed, is in any case sufficient.

Apart from examining the criteria specified in the Article 305a of the Dutch Civil Code, as discussed above, the court also verifies whether the collective action is more efficient and effective than filing an individual claim (i.e. it verifies whether the factual and legal questions are similar to all the group members, whether the number of the persons affected is sufficient, and – in relation to the claims for damages – whether the members of the class individually or jointly have a sufficiently large financial interests in the claim).

An interesting *novum* provided by the WAMCA is a Dutch central register for collective actions<sup>7</sup>. Under Article 1018c of the Dutch Code of Civil Procedure the representative entity, submitting the class action is obliged to make a note of this action in a said register within two days of submitting the claim. For the purpose of consolidation of several proceedings, within three months after the entry of the class action to the register, a different foundation or association meeting the criteria specified in the Article 305a of the Dutch Civil Code may also institute a collective action relating to the same event or events, invoking similar factual and legal issues. The class action must be brought to the same court as where the class action previously entered in the register was filed. In such case the judge shall designate the representative entity that is most suitable from among the entities who have brought class action as exclusive representative, taking into account the size of the group, the size of the financial interests represented by the group, other activities that it performs and previous activities or collective actions, brought by such representative entity.

Within 6 weeks following the expiry of the three month deadline for the entry of class action into the public register of class action, the defendant shall submit the statement of

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<sup>6</sup> The website shall contain information relating to the status of the legal person, its management structure, the most recently adopted supervisory and management annual reports, remuneration of directors and members of supervisory board, the objectives and working methods of the legal person, an overview of the state of affairs in pending proceedings, information on how the members of the group may join the legal person and how they can terminate this affiliation.

<sup>7</sup> See: The Dutch Central Register for Collective Actions [Access: 22.11.2020]. Access on the internet: <https://www.rechtspraak.nl/Registers/centraal-register-voor-collectieve-vorderingen#6f1c15a9-f3e8-4b9b-ab79-4b3bb766c72f6bc1d2e4-e511-4e04-bf16-8ad720b8f8b319>.

defense. The WAMCA provides an opt-out model of the membership in the class action for the members of the group who have a domicile or residence in the Netherlands. It means that the Dutch members of the group will be automatically bound by the judgement of the court unless they opt out within the time frame determined by the court. On the other hand, for the non-Dutch members of the group, the opt-in membership model is stipulated, which means that in order to benefit from the collective action they need to agree to be represented in the collective claim within the time frame, specified by the court. At the request of the party the court may determine that the opt-out model is also applicable for non-Dutch members of the group.

#### **2.4. The WAMCA in practice**

Although the WAMCA was introduced only a year ago there is already some feedback regarding how effective it is in practice. Thanks to the public register of class actions one may find that since January 2020 17 class actions have been brought to the Dutch courts<sup>8</sup>. In what follows I discuss some of the most interesting cases.

##### ***Volkswagen case***

The first case is worth mentioning here not only from the Dutch, but also from the global perspective. It concerns the international Volkswagen emission scandal, known also as “Dieselgate”. In September 2015 German carmaker was found to have misled the authorities and consumers by installing defeat devices in the diesel cars, which enabled cheating the emission tests. Volkswagen group admitted that about 11 million of cars worldwide, including 8 million of cars in Europe were equipped with such defeat devices (Hotten, 2015). The car manufacturer reached settlements with large groups of car owners including those from the U.S., Canada and Australia. Thanks to the U.S. class action system the largest settlement so far was concluded in the U.S. and it amounted to 10 billion USD, with 500.000 owners of polluting diesel cars. Unlike in the U.S., in the EU the legislation regarding collective redress is still fragmented and therefore Volkswagen clearly benefits from the lack of coordinated litigation in Europe. By the way of example, as a result of the settlement concluded in Germany 230.000 consumers will receive 830 million EUR compensation, which constitutes a fraction only of what the VW company paid to American car owners.

Introduction of WAMCA in January 2020 opened a door for class action against Volkswagen group in the Netherlands (Celis, 2020). The case was brought in March 2020 before the Amsterdam District Court by Diesel Emission Justice Foundation (DEJF)<sup>9</sup>. DEJF requested the court to be appointed as an exclusive representative of the Dutch buyers (opt-out membership) and non-Dutch buyers, residing or based in the EU Member States (opt-in membership). The Foundation alleges that the Volkswagen Group intentionally and systemically manipulated 8.5 million of European vehicles to pass emission tests. DEJF claims that consumers suffered damages since they bought cars fitted with a defeat device which they would not have bought if they had known about it and its effects, or they had

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<sup>8</sup> *Ibidem*.

<sup>9</sup> See: Writ of summons is available on the website of the Dutch Central Register for Collective Actions. Access on the internet: <https://www.rechtspraak.nl/SiteCollectionDocuments/dagvaarding-collectieve-vordering-volkswagen-cs.pdf>.



done so but under other conditions<sup>10</sup>. According to DEJF “(...) the residual value of the Affected Vehicles fell drastically as the Diesel Scandal became public. In addition, it seems that Affected Vehicles consume more fuel, have higher maintenance costs and offer poorer driving performance than what we have been led to believe. And the Affected Vehicles are in danger of becoming obsolete due to the introduction of environmental zones in inner cities and increasing nitrogen problems in general”<sup>11</sup>. In view of the above, DEJF claims for: (i) annulment, termination and cancelation of purchase agreements concluded between VW dealers and affected parties or lease(s) on the basis which the affected vehicles were made available to the affected buyers; (ii) the provision of the new vehicle that in terms of performance, driving style, appearance and value is similar to the affected vehicle and (iii) damages. Currently, the Foundation represents 10.000 of group members from all across the Europe with over 100.000 cars. The case is still pending and the court has scheduled the first substantive hearing on January 2021.

#### ***Daimler AG (Mercedes Benz) and Fiat Chrysler NV cases***

Over a time it became clear that Dieselgate is not limited to just one car manufacturer. Therefore, the DEJF Foundation brought also another class actions before Dutch courts relating to “Dieselgate” emission scandal. On June 2020 it issued a writ of summons before the Amsterdam District Court against Daimler AG, producer of Mercedes Benz vehicles, its Dutch importers and individual dealers for the damages resulting from the use of manipulation software to falsify emission testing<sup>12</sup>. The DEJF requested the court to act as a exclusive representative, representing all the affected Dutch and European car owners. The facts here are very similar to the Volkswagen case and they concern defeat device software, installed in the Mercedes vehicles. German Road Vehicle Authority (*Kraftfahrtbundesamt*, KBA) in administrative order, requested Daimler to conduct mandatory recall of the Mercedes-Benz cars with diesel engines in Europe (about 670.000 vehicles). The Foundation claims that the car owners suffered severe damages including, among others, “(...) the risk that type approval will be withdrawn, that the vehicles will be taken off the road, use restrictions, decreased resale values, increased maintenance costs.”<sup>13</sup> The corresponding case was filed by the DEJF Foundation in August 2020 against another car manufacturer Fiat Chrysler Automobiles N.V.<sup>14</sup> Both cases are still pending- the dates of the hearings before court have not been yet determined.

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<sup>10</sup> *Ibidem*; see also the description of the case provided by the DEJF in English. Access on the internet: <https://ps-image-bucket.s3.amazonaws.com/emissionsjustice/wp-content/uploads/2020/03/20200313-Dagvaarding-VW-et-al-EN-Summary2712.pdf> para 19.

<sup>11</sup> *Ibidem*.

<sup>12</sup> Writ of summons is available on the website of the Dutch Central Register for Collective Actions. [Access: 12.11.2020]. Access on the internet: <https://www.rechtspraak.nl/SiteCollection/Documents/dagvaarding-collectieve-vordering-Daimler-AG-c.pdf>; see also information on the website of the DEJF Foundation [Access: 22.11.2020]. Access on the internet: <https://www.emissionsjustice.com/wp-content/uploads/2020/06/Daimler-press-release-EN-2020062350.pdf>

<sup>13</sup> *Ibidem*.

<sup>14</sup> Writ of summons is available on the website of the Dutch Central Register for Collective Actions [Access: 22.11.2020]. Access on the internet: <https://www.rechtspraak.nl/SiteCollection/Documents/dagvaarding-collectieve-vordering-%20fiat-chrysler-automobiles-nv-cs.pdf>

***Evolve Media case***

A different group of class actions that can be brought under WAMCA includes cases for an ideological purpose which represent very little financial value. Such cases might be filed with more lenient criteria of admissibility. One of such class actions was brought in February 2020 by the Dutch foundations Stop Online Shaming and EOKM Foundation against Evolve Media (owner of the website vagina.nl) which exploits nude images without permission of the people in the picture.<sup>15</sup> The foundations claim that when using hidden cameras people did not know that they have been filmed. The foundations underline that such online shaming cause severe damages such as reputation damages, problems in private sphere, social isolation, loss of work, fears and depression<sup>16</sup>. The aim of this class action is to stop privacy violations, to prevent such content being offered online again and to ensure that the wrongdoers cannot hide behind false names. The proceedings have been brought before the Amsterdam District Court which found that the foundations are admissible to submit the class action. In November 2020 the court issued an interim judgement in which it made a suggestions for the way in which persons who are or have been visible on the website against their will by means of advertisement, they can contact the court. Neither claimants nor defendant have responded to the court suggestions so far. The said case is still pending.

***Oracle case***

Another interesting case submitted under WAMCA is the class action against technology group Oracle. It was brought by the Privacy Collective Foundation in August 2020<sup>17</sup>. According to the Foundation, Oracle and Salesform.com violated the General Data Protection Regulation (GDPR) several times by using cookies to collect data from Dutch people. The information was distributed amongst online advertisers without the user's consent<sup>18</sup>. The Foundation claims that such misuse of personal data violates the right to private and family life and their right to the protection of personal data, arising out of EU Charter of Fundamental Rights, GDPR and the Dutch Telecommunication Act. The alleged breach of the law consisted in: (i) the application of automated decision-making, (ii) processing personal data without legal basis, (iii) non-transparent processing, (iv) infringement of the principle of data minimalization and (v) the unlawful transmission of personal data to the US<sup>19</sup>. Privacy Collective seeks for monetary damages in amount of 500 euros per victim per company (Oracle and Salesform) and assumes that the number of affected people is 10 million, which makes the total value of the claim amounting to 10 billion euro damages. Defendants call the lawsuit misleading, based on misrepresentation and groundless. The said case is still pending.

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<sup>15</sup> See: Writ of summons is available on the website of the Dutch Central Register for Collective Actions [Access: 22.11.2020]. Access on the internet: <https://www.rechtspraak.nl/SiteCollection/Documents/dagvaarding-collectieve-vordering-vagina.nl.pdf>

<sup>16</sup> <https://www.stoponlineshaming.org/>

<sup>17</sup> See: Summons available on the website of the Dutch Central Register for Collective Actions. Access on the internet: <https://www.rechtspraak.nl/SiteCollectionDocuments/RBAMS-dagvaarding-collectieve-vordering-Oracle-Nederland-BV-SFDC-Netherlands-BV-Oracle-Corporation-Oracle-America-Inc-Salesforce.pdf>

<sup>18</sup> <https://theprivacycollective.eu/en/>

<sup>19</sup> Point 4.6.1-4.6.5 of the Summons...

### 3. THE ENGLISH PERSPECTIVE

Collective redress instruments are also well-known in England and Wales. Under the English law there exist two structures enabling collective redress, namely the representative actions and group litigation order (hereinafter referred to as the “GLO”). First mechanism enables individuals to bring an action on behalf of other parties without their consent, where the represented parties share the same interest<sup>20</sup>. The same interests is defined by the courts narrowly and therefore representative actions are allowed only for claimants which near identical fact patterns and loss to be grouped together<sup>21</sup>. Since in practice use of this mechanisms is of little relevance, especially in terms of consumer claims (Hodges, Voet, 2018), it will not be examined in what follows. On the other hand, the second means, which is the group litigation order, although highly criticized in the doctrine, is still the principal procedure of consumer collective redress in England and Wales and therefore it is worth scrutinising.

#### 3.1. Group Litigation Order (“GLO”)

Group litigation order is a mechanism which provides for the case management of individual claims which gave rise to “common or related issues of fact or law”, known as GLO issues. The GLO is ordered by a court at the request of the parties or of its own initiative. Interestingly, application for the GLO may be made either by a claimant or a defendant at any time before or after any relevant claims have been issued. In support for the application for the GLO the applicant shall provide a summary of the nature of the litigation, the number and nature of claims already issued, the number of parties likely to be involved, the GLO issues that are likely to arise in the litigation and information whether there are any matters that distinguish smaller groups of claims within the wider group.

The English Civil Procedure Rules (“CRP”) provides for some obligatory and facultative elements of GLO. Firstly, pursuant to the provisions of Article 19.13 of the CRP it must: (i) contain directions about the establishment of a register on which the claims managed under the GLO will be entered (so called “the group register”), (ii) specify the GLO issues which will identify the claims to be managed as a group under the GLO and (iii) determine the court which will manage the claims on the group register (so called “managing court”). Once GLO is ordered the managing court may give directions regarding varying the GLO issues, providing for one or more claims on the group register to proceed as test claims, appointing the solicitor to be a lead solicitor for the claimants or defendants, specifying the details to be included in a statement of case in order to show that criteria for entry of the claim to the register have been met, specifying a date after which no claim may be added to the register unless the court gives permission to do so and for entry of any particular claim which meets one or more of the GLO issues on the group register.

The proceedings follow the opt-in regime, which means that potential members of the group must actively opt-in in order to benefit from the judgement. Once the GLO is ordered a group register is created which involves the names of the claimants who are the parties to the GLO. The register is open for a specific timeframe during which potential claimants may join the procedure. Maintaining and updating the group register is a task of the lead solicitor, as approved by the court. A judgement in the GLO is binding on the parties to all other claims that are signed-in the group register at the time the judgement is given unless

<sup>20</sup> See: Civil Procedure Rules 1998, Part 19.6.

<sup>21</sup> <https://www.lexology.com/library/detail.aspx?g=1c9a6bc7-6189-462a-a89c-56c5b146dc96>

the court orders otherwise. The court may give directions as to the extent to which that judgement is binding on the parties to any claim which is subsequently entered on the group register. Any party who is adversely affected by the judgment which is binding on him may seek permission to appeal the GLO.

### 3.2. GLO in practice

Over the past 20 years there were 109 group litigation orders issued by the courts in England and Wales. One in five of them relates to consumer protection<sup>22</sup>. One may wonder whether this amount is relevant for consumer law enforcement. It is very difficult to answer this question unequivocally since the outcomes of the GLO's are not known (Hodges, Voet, 2018). In order to examine how this mechanisms operates in practice, the section to come will discuss some of the most recent cases in which the GLO was or is planned to be issued are scrutinized.

#### *Volkswagen case*

The group action against Volkswagen discussed above in relation to the consumer collective redress in the Netherlands was also a subject of group proceedings in England and Wales. The investigation shows that defeat devices were installed by the car manufacturer in the 1.2 million cars owned in the UK. So far the case is considered the largest consumer group action to come before the English courts.

In March 2018 the GLO was issued by the High Court in London. The legal action has been brought on behalf of British car owners over allegations that the Volkswagen had software fitted to their vehicles which cheated the EU emissions tests. Under the GLO two law firms were appointed as a leading solicitors. The advertisements about the GLO were published in the national newspapers in May 2018<sup>23</sup>. The potential claimants who wished to be added to the group register of claims were granted the time till October 2018 to contact solicitors in order to join the group action. The action was brought under the Consumer Protection from Unfair Trading Regulation 2008. One of the leading solicitors – Leigh Day law firm claimed a refund of at least 50% of the value of the car or finance repayments. In order to join the group the vehicle must have been bought for personal, not business use from an approved dealer of VW group directly and paid for on or after October 2014. In total, in the group register the claims were registered by almost 100.000 consumers from the UK.

In April 2020 the High Court in London ruled in favour of consumers. The court found that the decision of the German Road Vehicle Authority *Kraftfahrtbundesamt*, (KBA), stating that the affected vehicles contained a defeat device is binding for the English courts. The court also decided that the fact that the engines operated in different modes during the emissions tests means that it contained a defeat device under the EU emissions regulations<sup>24</sup>. Volkswagen appealed from this ruling but its appeal was rejected by the court. According

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<sup>22</sup> List of all group litigation orders issued in England and Wales since 1999 is published online [Access: 11.11.2020]. Access on the internet: <https://www.gov.uk/guidance/group-litigation-orders#history>

<sup>23</sup> The advertisement of the group action published in the newspaper [Access 11.11.2020]. Access on the internet: <https://www.leighday.co.uk/getmedia/a9ff8ca0-9c1a-42c5-b97e-409ef9e7f0e4/The-VW-NOx-Emissions-Group-Litigation-ad2.aspx>

<sup>24</sup> Judgment of the Mr. Justice Waksman as of 6.4.2020. [Access: 20.11.2020]. Access on the internet: <https://www.judiciary.uk/wp-content/uploads/2020/04/VWJudgment-002.pdf>.

to the leading plaintiff, in spite of such decision, VW group continues to deny the claims in the UK and it does not want to enter into settlement negotiations. According to VW, it does not owe the compensation for consumers since they have not suffered any loss. The said case is pending.

#### ***Daimler AG (Mercedes Benz) case***

Similarly to the situation which occurred in the Netherlands the “Dieselgate” emission scandal which referred to the Volkswagen cars, was expanded to other car manufacturers in the UK. Another group action has been brought against Daimler AG, the producer of Mercedes Benz vehicles. In June 2020 the law firm PGMGB announced that launched the group action before the High Court of Justice in Liverpool on behalf of the Mercedes customers from England and Wales<sup>25</sup>. The claim is based on the German authorities (KBA) findings that Mercedes Benz vehicles were equipped with illegal defeat device. The law firm believes that Daimler deliberately misled its customers as to the real level of emissions in their vehicles. The damage suffered by consumers is justified in the similar way as it was done in the Netherlands: as a result of the KBA’s administrative order Daimler updated the software in the affected vehicles in order to remove defeat devices, which may have directly reduced vehicle performance, forced the consumers to pay increased maintenance bills and higher fuel costs. Additionally, the claim is based upon the statement that the customers and their children may suffer pulmonary problems from breathing-in high volumes of toxicants in polluted air<sup>26</sup>. The PGMGB law firm informs the potential claimants that the compensation may amount to entire purchase price of the vehicle. Although there is not upfront fee to join the group action, the PGMGB law firm deducts up to 50% success fee from the awarded compensation.

Interestingly, there is also another UK law firm – Leigh Day which launched the group proceedings against the Daimler in the same case on behalf of 288 consumers and<sup>27</sup>. Unlike the PGMGB, Leigh Day states that the claims could be worth up to 75% of the purchase price of the vehicle and declares that in case of success the law firm’s fee will amount to 31% of the awarded compensation<sup>28</sup>. Currently, there is no information whether any of the law firms requested the GLO. The said case is pending.

#### **4. CONCLUSIONS**

The analysis conducted so far shows that the Dutch and the English legal systems of collective redress are very different. While the Dutch approach is based upon the opt-out model, in England and Wales the legislator chose the opt-in model. While consumers in the Netherlands may be represented by the Dutch foundations and associations only, in England

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<sup>25</sup> Information regarding the case are available online at the website of the law firm PGMGB law firm, dedicated to the group action. {access: 11.11.2020}. Access on the internet: <https://mercedesclaimlawyers.com/>

<sup>26</sup> *Ibidem*.

<sup>27</sup> Information regarding the commencement of the group action against Mercedes by the Leigh Day law firm [Access: 11.11.2020]. Access on the internet: <https://www.leighday.co.uk/News/Press-releases-2020/December-2020/Leigh-Day-launches-claim-against-Mercedes-Benz>.

<sup>28</sup> Information from the website of the law firm Leigh Day dedicated to group action against Mercedes [Access: 11.11.2020]. Access on the internet: <https://www.leighday.co.uk/Product-safety-and-consumer-law/Consumer-law/Car-emissions-claims/Mercedes-Benz-emissions-claim>

and Wales consumers are represented by the law firms, acting as the group representatives. Thanks to the existence of the group register, the Dutch system seems to be very transparent and accessible for the consumers, especially taking into the account that under the WAMCA all the writs of summons are published online. On the other hand, in England and Wales, at the GLO's website there is only fragmented information about the GLO issued by the English courts.

It needs to be noted that the English system, although based on the opt-in approach, seems to be similar to the American class action system in the way that various law firms are competing in order to represent the group of consumers, requesting at the same time quite high success fees (including even 50% of the compensation awarded). However, it is noted that in practice it is difficult to fulfill the requirements set for the GLO, and therefore the total number of GLOs, amounting to 5 per year is not significant. From this perspective, GLO procedure might be perceived as not effective way of seeking consumer redress. On the other hand, it shall also be noted that once the GLO is issued the case involve mostly large groups of members and therefore, in case of judgements issued in favor of consumers the GLO may affect the situation of a wide range of harmed persons. Due to the fact that the outcomes of the GLO's proceedings are not known it is impossible to assess whether the consumers can really benefit from the judgements.

Although the collective redress systems in the Netherlands, England and Wales are not free from imperfections some solutions provided in the Dutch and the English law are definitely worth being adopted in Poland. First of all, it would be very beneficial to draw on Dutch experience and amend the Polish group register in a way that it will enable the potential consumers to get acquainted with the statement of the claim. Although the register of group proceedings exists under the Polish law<sup>29</sup> it includes only some basic information about the proceedings itself, which is not sufficient to decide whether to join the group. Moreover, for practical reasons it would be very useful to adopt in Poland the possibility of collective settlement without the necessity of commencing litigation. Currently, the Polish law on the group proceedings allows for group settlement only after a group proceeding was initiated, in case when at least half of the group members give their consent<sup>30</sup>. Following the English experience an interesting option to be considered in Poland is also a possibility of requesting group proceeding by the defendant at any time before or after any relevant claims have been issued. One shall note that for reasons of procedural economy not only claimants but also defendant might be interested in participation in group proceedings instead of many individual litigations.

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<sup>29</sup> Polish register of group proceedings is available online [Access: 12.11.2020]. Access on the internet: <https://www.gov.pl/web/sprawiedliwosc/wykaz-postepowan-grupowych>

<sup>30</sup> Art. 19 of the Polish Act of 17 December 2009 on Pursuing Claims in Group Proceedings, Journal of Laws 2010 No. 7 item 44.

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## **SPACE SECURITY DIPLOMACY IN INTERNATIONAL ORGANIZATIONS: SOME LEGAL ASPECTS<sup>2</sup>**

Space security is an important area in international diplomacy and is undertaken by international organizations, such as the UN or NATO. This is why diplomatic law is concentrated on space. The outer space domain has become more and more challenging recently. Some challenges are threats, such as cyber or nuclear tests and weapons. In many ways, diplomacy is the only way to negotiate and make progress in ensuring peace and security—which, according to the UN Charter, are key priorities for states. This article shows how international diplomacy is connected to international relations and policies relating to space and how important diplomacy is as a tool to maintain international peace. Law is also one of the tools that help prevent space conflicts and wars among the states. This article outlines some tools of space diplomacy used by states and international organizations, namely, conferences, bilateral dialogues, and other forms of negotiations. It seems that professional diplomatic teams are necessary to achieve diplomatic goals in space. Today, space is connected to politics, trade, and especially the security of states. Thus, the role of space diplomacy is more significant than ever.

**Keywords:** Space diplomacy, security, international treaty, disarmament, diplomacy law.

### **1. INTRODUCTION**

Modern diplomacy makes use of not only modern means, but also traditional ones, also (and much more widely) so-called “persuasive measures” in the case of media assistance, dialogue and various forms of negotiation. This requires the involvement of highly qualified professional diplomatic services. Currently, state security and its economic and political interests are closely interlinked, hence the need for effective coordination of defence matters with foreign and trade policy (Łukaszuk, 1999; Miłosz, 2010).

Soon after World War II, the dominance in the Earth and Space of the US and the USSR – two superpowers was asserted. It turned out then that in such a difficult situation the only hope for the achieving balance in space have is diplomacy, called sometimes “space policy?”, acting spontaneously on a bilateral and multilateral basis. With the end of the Cold War, more and more states have decided to start operations in Space, and this required, among other things, diplomatic action. At the same period dependence of space applications on the functioning of some systems has raised up significantly.

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Fundamental principles of conduct in space are defined by the UN Charter, which aims at the objective of protecting peace and security in the world. The Charter obliges the member states to solve disputes by means of peace, in case not to endanger international peace, security or justice (Article 2.3), but respects also the right of self-defence.

## 2. INTERNATIONAL LAW IN DIPLOMACY

International legislative *acquis* in terms of state security in space, it is quite significant. This applies in particular to treaties and bilateral agreements between large spacefaring nations, i.e. the US and Russia. A major diplomatic achievement was the Partial Test-Ban Treaty (PTBT) of 1963<sup>3</sup>, which was the first international agreement on the limitation of armed forces in space. This was based on existing legislation – the Outer Space Treaty (OST), which prohibits placing in orbit any weapon-transfer facilities of any kind; nuclear and all weapons of mass destruction. OST prohibits testing and deployment of any weapon on the Moon and on other celestial bodies as well. States-members to the Treaty, in the case of damage caused to different State, shall be obliged to compensate; consultations are envisaged in the cases of potential risks (Article 9). The Treaty emphasized that the action of one state must not interfere with the functioning of another, and ongoing space activities must not damage the space environment (Articles 7 and 9). The 1963 agreement required both of them not to interfere with satellite operations and has become the basis for bilateral provisions the USSR-US agreement of 1971 on limiting the risk of explosion of the Nuclear War<sup>4</sup>, which, *inter alia*, obliges States to give prior notice on intended launches (Article 4).

The 1972 Liability Convention provides that the launching State is liable for damage caused to third parties by space objects and established a compensatory procedure. The 1975 Registration Convention provided the connection for the relationship between the space object and the launching State. The 1979 Treaty on the Moon prohibits threats and the use of force, and any hostile activity. The treaty prohibits the establishing of military bases, installations, fortifications, arms tests, and conducting military manoeuvres on the Moon (Article 3.4), but allows use of military personnel for scientific or other purposes

Some other international agreements in force concern as well “space security”, i.e. the Statute of the ITU provides some rules on the use of radio spectrum frequencies for satellites. Emphasizing the rights of member states to install military equipment (Article 48.1), also calls on the States Parties to compliance with the no “harmful interference” principles (Articles 45.1 and 38.2). The term 'harmful interference' is defined in the Annex to the statute as an activity that endangers the functioning of navigational or other services, and leads to serious harm, destruction, obstruction or repeated interruption of radio communication services. Nuclear Non-Proliferation Treaty (NPT) 1968<sup>5</sup> of which 189 parties, five are binding, i.e. the powers of Nuclear-Weapon States (NWS) for non-transfers nuclear weapons, other nuclear explosive devices, or technologies for non-nuclear power states calls for action to be taken on the disarmament. NNWS States may not receive, purchase or manufacture nuclear weapons or other nuclear explosive devices (Milik, 2016).

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<sup>3</sup> PTBT – Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, Moscow August 5, 1963 [[www.state.gov/t/isn/4797.html](http://www.state.gov/t/isn/4797.html)] (16.11.2017)]. As of October 2011, 125 states ratified the treaty, the depositaries: USA, Great Britain and the USSR.

<sup>4</sup> <http://www.nuclearfiles.org/menu/library/treaties/> (09.08.2018).

<sup>5</sup> NPT – Treaty on the Non-Proliferation of Nuclear Weapons 1968; [www.un.org](http://www.un.org) (16.11.2017).

Article VI of the NPT confers the right to establish zones free of any nuclear weapons (NWFZ)<sup>6</sup>, in which production, acquisition, testing and possession of nuclear weapons is prohibited, with the exception of nuclear energy for peaceful purposes. There are five such zones as laid down in other treaties. NPT is not applicable for production of fissile materials used for nuclear weapons. That prohibition was proposed by the US and negotiated without success at the disarmament conference<sup>7</sup>. The prohibition of proliferation is also enshrined in the Convention on the Physical Protection of Nuclear Material<sup>8</sup> and *International Convention for the Suppression of Acts of Nuclear Terrorism*<sup>9</sup> is well known as a Convention about the nuclear terrorism. These mechanisms are only partly efficient. Other non-formal agreements (conducted in a diplomatic way) referring inter alia to the states cooperation in nuclear weapon were the Global Threat Reduction Initiative- GTRI and Proliferation Security Initiative (PSI) and unilateral or multilateral agreements about the sanctions. Referring to testing, it's worth mentioning the Treaty from 1963 LBTB (Limited Test Ban Treaty), Threshold Test Ban Treaty TTBT from 1974<sup>10</sup>, *Peaceful Nuclear Explosions Treaty* z 1976<sup>11</sup> and *Comprehensive Test Ban Treaty* (CTBT) z 1996<sup>12</sup>. The latter provides legal framework for prohibiting extensive emissions from nuclear explosions in the whole environment, but it has not entered into force. The CTBT goes further than the 1963 Treaty of the LTBT by providing that no State Party may test nuclear weapons. In 2010 182 states signed the CTBT in the year (except India, North Korea, South Korea and Pakistan) and 151 states have ratified it (with the exception of China, Iran, Israel and the US).

With the increasing level of development of ICBM (Intercontinental Ballistic Missile) the US and the USSR perceived the need to engage in limitation of the deployment of nuclear weapons and started diplomatic discussions on this subject – Strategic Arms Limitation Talks – SALT I<sup>13</sup> caused creation of *Anti-Ballistic Missile Treaty* (ABM)<sup>14</sup> and

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<sup>6</sup> NWFZ – Nuclear Weapon Free Zone.

<sup>7</sup> The 2000 NPT Review Conference established kind of transparency as a permanent element of the NWS nuclear diplomacy. Nuclear governance issues included unilateral declarations and actions: bilateral treaties and agreements; and efforts (mainly limited by the US and Russia) of a multilateral agreement involving NWS and other international arrangements.

<sup>8</sup> See: [www.iaea.org](http://www.iaea.org) (16.11.2017). Convention on the Physical Protection of Nuclear Material, Vienna and New York, 3 March 1980 r., IAEA is a depository of the Convention.

<sup>9</sup> International Convention for the Suppression of Acts of Nuclear Terrorism, UN 2005; [www.treaties.un.org](http://www.treaties.un.org) (16.11.2017).

<sup>10</sup> The Treaty on the Militation of Underground Nuclear Weapon Tests (TTBT), ratification – US and the USSR, [www.state.gov/t/isn/5205.html](http://www.state.gov/t/isn/5205.html) (16.11.2017).

<sup>11</sup> [www.states.gov/t/isn/5182.html](http://www.states.gov/t/isn/5182.html) (16.11.2017), Treaty Between The United States of America and The Union of Soviet Socialist Republics on Underground Nuclear Explosion for peaceful purposes, Moscow, May 1976, Bilateral Agreement US – USSR.

<sup>12</sup> [www.state.gov/t/avc/c42328.html](http://www.state.gov/t/avc/c42328.html) (16.11.2017), Comprehensive Nuclear Test – Ban Treaty (CTBT) 1996.

<sup>13</sup> [www.state.gov/t/isn/5191.html](http://www.state.gov/t/isn/5191.html) (16.11.2017), Strategic Arms Limitation talks (SALT 1); SALT 1 – the first of the strategic arms limitation agreements of 26 May 1972 between the USA and the USSR.

<sup>14</sup> [www.state.gov/t/avc/trty/101888.html](http://www.state.gov/t/avc/trty/101888.html) (16.11.2017), Treaty Between The United States of America and The Union of Soviet Socialist Republics on the limitation of Anti-Ballistic Missile System (ABM Treaty), May 1972; Treaty between the USA and the Soviet Union on the indefinite limitation of the development, testing and deployment of anti-ballistic systems (ABM).

*Interim Agreement on Strategic Offensive Arms*<sup>15</sup>. The ABM Treaty banned testing and placement in space of the offshore, land-based and airborne components of the ABM systems (Article V). The Treaty also provided that each party was to not to interfere with the operation of another (through the use of means of verification). Article XII of the Treaty concerns national provisions technical measures such as spy satellites. Signature of the treaty however has not slowed down the pace of development of production and of deployment missile.

At that time, other states, mainly China, were developing the missile technology, which gave rise to concerns about the proliferation of ballistic missiles. The Bush Administration was concerned about the space risks and the 9/11 terrorist attacks in New York have resulted in the US withdrawing from the ABM Treaty within six months. Nevertheless, this first attempt to reduce the risk was an important step towards cooperation and limitation of the weapons supply. The Interim Agreement imposed stopping the number of launches of ICBM and SLBM, which the US and the USSR could do. Abolition of the US-Soviet diplomatic dialogue since the end of the 1970's caused decline in apolitical climate for the creation of the new agreements. This situation resulted, *inter alia*, from the coup d'état in Iran and the Soviet invasion of Afghanistan. Several agreements were signed, including ABM, the SALT agreement, which prohibited the interference of the National Technical Means (NTM) and were legally binding on both sides in regards to the restrictions in space (previously existing only in non-binding form) (Rendleman, 2013).

These agreements were preceded by seven years of diplomatic negotiations concluded in Vienna, 1979, by signing of the SALT II Agreement (*Strategic Arms Limitation Treaty*)<sup>16</sup>. That Treaty put restrictions on equipping the supply of nuclear forces and armaments, and in addition to prohibiting the construction of a new ground launching system and has established the verification rules. In addition, the SALT II Treaty provides *inter alia*, it froze launches of strategic missiles on existing level and incorporated the 1987 Level Agreement about nuclear forces (Intermediate Nuclear Forces – INF)<sup>17</sup>.

The US SALT II in 2002 the treaty never entered into force. The proposed confidence building measures (CBMs) in SALT II concerned, among other things prior notification of certain ICBM test launches, arrangements databases for certain systems, consent to non-interference national technical verification measures and obligations of provision of telemetric information. After the US withdrew from the treaty, discussions on an arms reduction agreement have taken place: START I (*Strategic Arms Reduction Treaty*)<sup>18</sup> and

<sup>15</sup> See: [www.state.gov/t/isn/4795.html](http://www.state.gov/t/isn/4795.html) (16.11.2017), Interim Agreement between the US and the USSR on Certain Measures with Respect to the Limitation of Strategic Offensive Arms, May 1972, Moscow.

<sup>16</sup> [www.state.gov/t/isn/5195/htm](http://www.state.gov/t/isn/5195/htm) (16.11.2017), Treaty Between The US and the USSR on the Limitation of Strategic Offensive Arms (SALT II) June 1979, Strategic Arms Limitation Treaty (II) SALT II – the second round of negotiations on the limitation of the strategic arms between the US and the USSR culminating in the signing of a treaty setting quantitative and qualitative limits on strategic arms systems.

<sup>17</sup> [www.state.gov/t/avc/trty/102360.html](http://www.state.gov/t/avc/trty/102360.html) (16.11.2017), Treaty Between The US and the USSR on the elimination of their intermediate – Range and Shorter-range Missiles.

<sup>18</sup> [www.nti.org](http://www.nti.org) (16.11.2017); Treaty Between The US and the USSR on Strategic Offensive Reductions (START I) – START I – the first of the strategic arms reduction agreements in the START series, concluded between the USA and the USSR in July 1991, expired in December 2009.

CTBT (*Comprehensive Test Ban Treaty*). Finally, START I was signed by the USSR and the US in 1991. It concerned the introduction of transparency and building measures of mutual trust. The TCBM has strengthened the originating provisions of the 1988 Ballistic Missile Launch Notification Agreement<sup>19</sup> by providing rules for prior notification of ballistic missiles, used as amplifiers for launching objects into the upper atmosphere or space. Moreover, START I has determined the limits for launching equipment and the announcement of the first strategic nuclear weapons reduction in the US and the USSR (agreed on the liquidation of 6 thousand warheads within 10 years). INF Treaty of 1987, obliged the US and the USSR to eliminate and permanently liquidate their operations all (medium and short range) nuclear missiles and missiles, with a range of 500–5,500 km, as well as launching equipment for controlled projectiles. Whereas the Treaty was applicable to all missiles on Earth, independently on their configuration and supply, this was a good step in the area of arms control, following arms control treaties such as START I and the Treaty on Conventional Forces in Europe (CFE). INF introduces the principle of compatible destruction of the whole category of nuclear weapons and the principle of verification with data exchange mechanisms. The verification protocol confirmed the reductions in weapons through the use of national technical measures (e.g. satellite observation) and inspections *in situ*. In Article XII of the INF, the parties agreed not to bury the other party's NTMs and not hide the weapons, which would endanger the verification process. Inspections are divided into few groups: basic inspections (with the purpose to verify the exchange of data on equipment that is about to be restricted and listed under the Treaty), closed (examining INF termination), elimination (confirming the destruction of projectiles, launching devices and associated damage equipment), rapid surprise inspections (maximum permitted 20 such inspections per year in the places designated by the Treaty during the first 3 years of implementation and after 15 inspections made annually in the next 5 years), follow-up inspections in places where missiles have been produced in the past (only in two locations in Russia and USA).

The INF Treaty has therefore become the first agreement, aimed at reducing nuclear arms, with a control mechanism. However, neither INF nor START I obliged the State-Parties to destroy nuclear warheads. The START I agreement pressured the USSR to destroy more than 3 thousands ballistic missiles, 45 atomic ships and more than sixty five strategic bombers. The US has destroyed more than 3 thousands missiles and a significant number of firing devices and bombers. Another 1989 agreement between the two space powers concerned the prevention of unsafe military activities (*Prevention of Dangerous Military Activities Agreement – PDMA*) (Campbell, 1991-2). The aim of the agreement was to prevent hazardous activities from occurring in peacetime. It has therefore become important to establish the following provisions in order to avoid accidents and military provocations in space. Part of this task was to avoid ambiguities during peaceful exercises and normal operations. The contract was relevant to subsequent bilateral agreements between the two countries.

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<sup>19</sup> [www.state.gov/t/isn/4714.html](http://www.state.gov/t/isn/4714.html) (16.11.2017), Agreement Between The US and the USSR on Notifications of launches of Intercontinental Ballistic Missiles and Submarine-Launched Ballistic Missiles (Ballistic Missile Launch Notification Agreement), May 1988.

In 2002, Presidents Bush and Putin in Moscow signed the Treaty on the reduction of strategic and offensive forces (Treaty on Strategic Offensive Reductions)<sup>20</sup>. This Treaty complemented START I of 1991 and called for a further reduction of the head and delivery systems by two third. Both sides have identified their strategic forces (according to limited number of warheads) and established the bilateral implementation committee with intention to meet twice a year, to discuss matters that could appear in connection with the Treaty application. A new Strategic Arms Limitation Agreement was signed by Presidents Barack Obama and Dmitry Medvedev in 2010<sup>21</sup>. It replaces the 1991 START I Agreement, the Treaty on the Functioning of the European Union from Moscow in 2002 with strategic restrictions on the offensive (SORT) and the 2009 non-binding contract. The new agreement limited number of nuclear warheads up to 1550 and number of launching units. The contract is also accompanied by an inspection programme. Agreement still needs to be ratified by both states. It shall apply only to strategic nuclear weapons (rather than “tactical” nuclear weapons and strategic warheads). Treaty protection of national technical measures NTM (mainly spy satellites) on the monitoring of Treaty obligations, was also enshrined in the 1974 Treaty (Threshold Test Ban Treaty), from 1976 (Nuclear Explosions Treaty), from 1987 (Intermediate Range Nuclear Forces Treaty) and the CFE from 1992<sup>22</sup>. Some scientists do not agree that protection and legitimacy of satellites was properly restricted by those treaties. According to them international law remained ambiguous in this respect, so as in the case of ASAT weapons.

The START III project concerned nuclear disarmament of the US and Russia. Negotiations were unsuccessful and therefore no contract was signed. Only the new START system is still in force today (concerning missiles with nuclear weapons) – signed 8 April 2010. It entered into force on 5 February 2011 following ratification by the two states and is due to expire definitively on 5 February 2021. Control of the arms and weapons race of the Space through bilateral agreements was effective in times of the Cold War, whenever the USSR and the US were technologically capable of developing strategic weapons. The end of the Cold War changed this situation. The result is a further need to take appropriate measures in view of the danger of arming the space and increasing involvement in it other States in space activities. Even during the Cold War, the UN became a platform on which diplomats from the US and the USSR were involved in negotiations on space exploitation issues. This is where the important decisions have been taken (mostly in the form of

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<sup>20</sup> [www.state.gov/t/avc/trty/127129.html](http://www.state.gov/t/avc/trty/127129.html) (16.11.2017), Treaty Between the US and the Russian Federation on Strategic Offensive Reductions (The Moscow Treaty), May 2002 – The agreement, signed at the Bush-Putin Summit in May 2002, announced a reduction in the number of nuclear warheads to 1700-2200 for both sides by the end of December 2012 and confirmed the validity of the START I agreement.

<sup>21</sup> [www.state.gov/t/avc/newstart/html](http://www.state.gov/t/avc/newstart/html) (16.11.2017), New Strategic Arms Reduction Treaty (NEW START, CHB-III) – the bilateral treaty between the US and Russian Federation on measures to further reduce and limit strategic arms, signed on 8 April 2010. It entered into force on 5 February 2011, once the parties had ratified this agreement.

<sup>22</sup> CFE – Treaty on Conventional Armed Forces in Europe – Treaty on Conventional Armed Forces in Europe, Framework Agreement concluded in Paris on 19 November 1990 between NATO countries and the Warsaw Pact, formally concluding the second round of the Vienna disarmament negotiations of the CSCE (Conference for Security and Cooperation in Europe); entered into force on 9 November 1992. Poland notified the Netherlands (a depositary) of its accession to the Treaty on 26 November 1991.

a resolution), with the intent to facilitate the conclusion of agreements and contracts of international organisations. UN Security Council Resolution 1721 (XVI) from 1961<sup>23</sup> ordered the use of international law, in particular the UN Charter to the Space.

### 3. COLD WAR ASPECTS IN DIPLOMACY

When the US-Soviet talks on the following were suspended in 1980 in addition, the USSR has requested the UN to add the following to the list of persons to be included in the list of States Parties to the Convention agenda for an international arms embargo agreement. Subsequently, on the initiative of a group of Western countries, the Committee was set up the European Disarmament Authority (now called the Disarmament Conference) with developing methods for avoiding agreement. This is because the European Union is a global player in the area of arms in space and prohibits the use of anti-satellite systems. The Assembly has expressed in a very clear manner the view that the military use of the Space is against the OST. In its 1981 Resolution, the United Nations called on States to continue the peaceful use of space and the prevention of an arms race and recognized the need to develop a space law. Still in 1981 a group of diplomats from Western countries, headed by Italy, formed a coalition with the USSR at the UN aimed to move a resolution on arms control in space (“Prevention of an Arms Race in Outer Space” – PAROS)<sup>24</sup> in motion<sup>25</sup>.

The resolution called on the Disarmament Committee to negotiate the agreement referring to the prevention an arms race in space and considering that military use of force in space is against the OST<sup>26</sup>. In 1983, the USSR proposed to dismantle its ASAT system, but President Regan's administration did not believe in Moscow's good intentions. Meanwhile, in 1985 Soviet leader Mikhail Gorbachev suggested creation of the International Committee on Space to ensure that its peaceful use and to help create a new treaty against arms. After all, the UN has transferred these proposals to The Conference on Disarmament, where the PAROS *ad hoc* committee held discussions on the prevention of the arms race in outer space (1985–1994) and on mechanisms for strengthening cooperation on space security. The Regan administration took part in these talks and the bilateral negotiations, but treated them as a Soviet request blocking of the SDI programme and other US activities. However, some progress has been made in work of the disarmament conferences on a draft treaty on the prevention of an arms race in space. The FMCT Treaty was almost complete, but in 1995 China has stated that it will support it when PAROS at the same time would be considered. U.S. opposition to Chinese proposal caused, amongst others, a blockage of negotiations.

Although The UN approves PAROS resolutions every year, in practice only few of them are effective, as there is no consensus among countries on the agenda and placement. This is where the discussion about space security, as required by the resolution, takes place.

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<sup>23</sup> Resolution adopted by the General Assembly 1961 – 1721(XVI) International Cooperation in the peaceful uses of outer space.

<sup>24</sup> [www.un.org](http://www.un.org) (16.11.2017).

<sup>25</sup> [www.un.org](http://www.un.org) (16.11.2017).

<sup>26</sup> In 1958, The US President Eisenhower first called for the principles of using the Space for peaceful purposes to be respected. Later the same year, the UN General Assembly established the Committee on the Peaceful Uses of Outer Space (UNCOPUOS), which stressed the importance of outer space as a Common Heritage of Mankind – CHM (“The Common Heritage of Mankind”). In 1959, the Assembly decided to change the *ad hoc* committee as a permanent body.

Thanks to diplomatic negotiations, it was possible to adopt the 1992 UN resolution 47/68: 'The Principles Relevant to the Use of Nuclear Power Sources in Outer Space', which established the criteria for the safe use of radioactive material in outer space and the reduction of nuclear satellite disasters<sup>27</sup>.

Resolution 51/122 „Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, taking into Particular Account the Needs of Developing States” from 1996 called the states operating in the space to cooperate (Article 3) and recalls that States Parties have the freedom to present all aspects of their activities in international collaboration of exploration and the use of outer space (Article 2); international scope of cooperation is left to the decision of the member states<sup>28</sup>. As already mentioned, discussions in the Disarmament Committee in the UN, on the prevention of an arms race in space (PAROS) were interrupted in 1995, when China insisted, to connect PAROS to the Fissile Material Cut-off Treaty (FMCT) concerning fissile materials. Such a proposal could not to be accepted by the US.

#### **4. FAILURES AND SUCCESSES OF SPACE DIPLOMACY IN THE 21<sup>ST</sup> CENTURY**

Since the mid-1990's, diplomatic negotiations on The Space Arms Treaty have been suspended. It was only UN Resolution 61/75 of 2006, proposed by Russia, and invited the States Parties to give information about its initiatives towards confidence-building measures to strengthen PAROS resolution 62/43<sup>29</sup>. The UN resolution has referred to the report of the UN Secretary-General and to specific issues such as proposals by member states on confidence-building issues<sup>30</sup>. Moscow and Beijing wanted to reopen negotiations in the framework of the CD conference on arms control. Additionally, Moscow tried also to reduce the US missile defence by insisting on the maintenance of the ABM Treaty, allowing for the some systems operation, compliant with demarcation agreements, for the time of preparing the national missile defence. Such restrictions have met with strong opposition from the US. Only in 2009 thanks to the compromise between China and the US – the FMCT and other issues referring to the space security could be put on the agenda of CD.

A few months later, that consensus was blocked by Pakistani diplomats and the topic was withdrawn from the agenda again. In the American strategy developed in 2011, a major role was played by Space diplomacy was the focus of attention. Although President Obama pointed out the need for confidence-building measures (TCBMs), he namely considered that they have limited practical relevance. China, in turn considered that, in order to be binding, such measures should be included in an international treaty. The Chinese ASAT test in 2007 discovered the “grey area” in the global market for space legislation, where the OST Treaty was not respected. It required prior notification to other states in the case of activities which could have caused harmful interference for other state's space programmes.

In addition, after that test thousands of dangerous debris have been created, and none necessary consultation was conducted on this topic. Already in 2005, Russia, together with some other countries, proposed the adoption of a following UN resolution – “Transparency and Confidence-Building Measures in Outer Space”. This proposal was successful in

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<sup>27</sup> A/RES/47/68; [www.un.org](http://www.un.org) 16.11.2017).

<sup>28</sup> A/RES/51/122; [www.un.org](http://www.un.org) (16.11.2017).

<sup>29</sup> A/RES/61/75; Transparency and Confidence – building measures in outer space activities, 2006.

<sup>30</sup> A/RES/62/43; Transparency and Confidence – building measures in outer space activities, 2008.



international society (without US). 2010 versions of the project suggested that a representative group should be convened government experts analysing the subject of space transparency and preparing recommendations for the UN. This time American diplomats participated in the group's meetings in 2012 and 2013 and took part in the editing of the CGE report, published in 2013. This document indicates, *inter alia*, the need to provide a disaster warning, reduction of residual amounts space, monitoring and development of commercial activities in space<sup>31</sup>. Weakness of the supervisory mechanisms in the current international space law and security gaps in security matters have led to a series of questions about their adaptability to reality.

Conference on Disarmament in Geneva – CD (UN Conference on Disarmament), which is responsible for the negotiations on international arms control has not acted since the 1990's on account of difficulties in reaching agreement between the States. There is certainly a lack of confidence in the creation of treaties binding to each of the superpowers: US, Russia and China. The need for international cooperation began to be discussed in the following terms: when LEO and GEO orbits are full, when space is full of space debris and the end of the spectrum radio frequencies for satellites has been observed. The risk of collision increases, but it is not reasonable to assume that nothing can be done to avoid them. The efforts of the international community, such as creation UN Space Debris Mitigation Guidelines and its initiative of creating the International Code of Conduct for Space of Conduct for Outer Space Activities are a good example of this and are targeted at to create more precise procedures for maintaining peace and stability. To this day, Space has remained the only environment (with the exception of the Antarctic), which have not witnessed any imminent international conflict. However, new participants in the race to Space, like China, among others, cause the need of creating more programmes and policies. On the other side the chance of a conflict or a situation in which accidents (of military object) may happen is rising. In addition, commercial use of space and increasingly advanced technology, are conducive to an increased number of conflicts, which, for the time being, have been resolved by „space diplomacy”.

As already mentioned, treaties and other agreements concluded by states did not prohibit military activities in the 1960's and 1970's in space. Still in the international Treaties uncertainties exist in relation to the space activities. There is no treaty that prohibits non-nuclear testing weapons in space (including kinetic missiles, lasers, and electronic jamming devices), there is not restrictions against placing such weapons on the orbit. There is only voluntary legislation on the prevention of pollution by states Space with space debris. The only existing standard here is an obligation to give prior notification to such an event. A big problem is the destructive effect in the most frequently used areas, space regions (LEO and GEO), risks due to unhindered proximity to military operations and testing of new ones weapons systems (laser, capture and microwave systems). States develop different types of space weapons mainly due to the fear against the activities of others. In this context it seems necessary to extend the reach of the new security mechanisms.

If leaders declare, that by their actions they will introduce stability and security, they could lead the international community by example. This could give rise to the creation of

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<sup>31</sup> Study Series No. 34, Transparency and Confidence – Building in Outer Space Activities, UN, Office of Disarmament Affairs, New York 2013.

international standards, which countries would accept, implement and apply<sup>32</sup>. The last farthest option is the possibility to conclude new international agreements involving many countries. These include Code of Conduct, Conventions (e.g. 2007 UN Space Debris) and with the formal treaties. Depending on the nature of the agreements, levels of national requirements and surveillance mechanisms, negotiations on the conclusion of these agreements can be more effective, or less complicated, but always worth every price. Thanks to them trust, stability and effectiveness are among the values of active defence of peace in space. Therefore, space diplomacy should focus on the creation of a new Security Treaty in space and the establishment of a new organisation monitoring Space and warning of potential collisions (Hart, 2007).

The subject of space security has been discussed on various levels. International debates on strengthening space security ranged from expert proposals to the creation of space organisations with a wider scope and more specific new developments of the space treaties, up to and including non-binding codes of conduct, and finally the discussions at the UN, including UNCOPUOS. However, it is difficult to achieve the consensus on an area where dual-use and new technologies exist is a mutual trust partner.

International space collaboration in space matters is directly related to the subject of arms control, disarmament and proliferation. This link exists because of the sophisticated high level of this cooperation, which demand from countries to have access to, and to develop and share the space equipment and technologies. Environment safety is very important for states to assess whether it is in their national interest to cooperate with others (Meyer, 2016).

Lack of international control will raise States' concerns about their security. The lack of space arms control and verification measures results in an increase in the likelihood that other developed, large countries could be considered as strategic military competitors.

Countries are reluctant to be active in cooperation within such organisations. In addition, the inclusion of countries with less sophisticated technology and knowledge raises concerns for leaders actors about possible unauthorised re-transfers and originating technology. With no comprehensive international technology control regime space, joint development, sharing and transfer of space know-how constitutes a individual safety risk. There are four issues referring to arms control, disarmament and proliferation: Anti-Satellite (ASAT) weapons, missile defence systems, proliferation of ballistic missiles and launching devices, and unauthorised technology transfer for ballistic missile development, space weapons and other military space applications.

In case of implementation of a clear international system controls for civil and commercial technologies and equipment in space, a gap related to arms control should be closed. Unfortunately, at present the States are reluctant to engage in international projects, which will expose them to an unauthorised transfer of technology. Resolutions bridging gaps in arms control, disarmament and proliferation can alleviate these concerns. Regarding ASAT's (anti-satellite weapons), there are no international agreements prohibiting or controlling the development, placement or the use of such weapons. As the Chinese test in 2007 showed, this is a high danger to the outer space. With regard to space weapons (with no weapons of mass destruction) a global agreement prohibiting or supervising the

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<sup>32</sup> The main target of the OST is, to define the basic instructions for the states how to use the space in peaceful manner. These rules cover many different aspects of exploration of space (Articles I and II).

development, placement, or the use of such weapons is needed. There is no international system of control either. There is also no international system for regulating applications. Moreover, there is a lack of international system for the verification of civil and commercial programmes which shall not be used to complement military programmes for ballistic missiles. On the other hand, there is no international programme encouraging the participation of States in civil programmes and commercial launches. This lack of transparency results in crisis of confidence and in uncertainty about possible involvement in space cooperation projects. There is also no global agency to provide peace usage of outer space technologies and abandonment of using space technologies for military purposes. Although there are organisations controlling the use of technologies such as nuclear or and chemical, but they do not have references to space technologies.

There are no global regimes with independent verification mechanisms to determine whether launchers, devices or space technologies are not used for military purposes. However, there are several global restrictions on the military use of space. As long as their targets are not aggressive and do not violate OST regulations (prohibiting the military use of bodies) States may use space for the military purposes. The main concern about the militarisation of Space is related to the increasing numbers of military system applications to support ground-based operations and big disproportions in those applications of modern weapons systems. Military satellites are becoming increasingly important in the current warfare. Currently, States may, under international law place weapons in space. It is true that there are legal limitations with regard to the type of weapon that can be deployed; however, in some cases the scope of these restrictions is confusing. This could lead to a discussion that could endanger international safety and security. This discussion could occur if states would be interested in space militarization by using the loopholes in the existing space legislation. The legal regime needs transparency and does not provide for a specific mechanism for resolving disputes.

The requirements of the 1975 Registration Convention provide little transparency; states can therefore register arms with impunity in space as civilian objects. The OST provides only how to use international law and the UN Charter, and in addition Article IX calls for global consultation. However, it is not clear, whether the deployment of weapons also requires this obligation, and to what extent these consultations should be carried out. For decades, the international community has been working on a ban or to limit the type of weapons by defining acceptable conditions, its use and location. Many of these measures were recognised as arms control. Such control may not, however, be exercised. It is identified, for example, with peace treaties or border agreements, which sometimes only concern arms. Arms control is not a humanitarian law but rather a branch of war law. Humanitarian law does not limit the number, type, of or the location of the weapon only specifies which weapon can be used during the war. It is easier for the State to renounce the right to acquire new assets military technology, than to dispose of weapons already in its possession (Onley, 2013).

Reaching precise global agreement on reduction is an extremely difficult process. It is easier to obtain consent on one issue than another or conclude a bilateral rather than a multilateral agreement. However, the multilateral agreement has more advantages. Similarly, the Treaty has an advantage over soft law. It is also important that the treaties contain verification regimes that prevent breaches; and the practical time-limits for withdrawing from contracts. Contracts aiming to control arms are a major challenge in international security. The history of arms control points to a number of errors which must

now be avoided. It is important to build a space law regime that will serve to safeguard the security interests of the community of international and individual members of spacefaring nations. In some cases, the model of existing arms control approaches can be applied to space. Faced with stagnating disarmament of diplomatic conferences and the opposition of the US to the new space treaties, the countries of the European Union seek a different path for improving the situation of international security in space. One of the sources, from which the EU has benefited, was the initiative of an American non-governmental organisation the Stimson Centre, where the proposal of a code of conduct in space was born<sup>33</sup>.

In 2010, the EU amended the draft and has prepared its own version of the Code. The new Code proposed that states would voluntarily become parties to it, promoting safe use of space and security principles (consensus norms) – like members of a club agree to behave in accordance with certain rules. Those principles of the Code shall include the following provisions: non-interference with the operations of other space objects, actions to minimise the possibility of satellite collisions, and taking part in creation of a common electronic database and consultation. Some principles of the Code repeats and strengthens certain elements of the OST and other legislation, in a way collecting them into a single document with an emphasis on all measures of protection of space against possible conflict (Chanock, 2013).

In relation to other initiatives, the efforts made at UNCOPUOS in Vienna should be mentioned. Over the last two decades, its mandate was based on international rules of the cooperation of State Parties in peaceful activities in space environment and disarmament conferences that deal with arms control and security issues. Their success in speeding up the agreement on the fight against space debris was due, among other things, to the introduction of annual meetings of the Space Council diplomats from various countries. More recently, this forum has considered space applications topics, space warnings against natural threats and monitoring of orbital remains. It is necessary to conclude that UNCOPUOS is performing much better and faster than others. Some observers suggest that the discussion should be postponed of Space security from the Disarmament Conferences (CDs) to UNCOPUOS, but states do not want to deprive conferences of their significance (for reasons of merit in setting up the arms control forum).

Academic discussions sometimes return to the idea of new international space organisation. Another idea (Voltaire) concerns vocation of the Organisation for Common Security in Outer Space (OCSO), similar to the International Atomic Energy Agency. The Treaty would limit offensive activities in space and would ban defensive and destructive activities, as well as the deployment of weapons. The Treaty would require destruction of existing ASAT weapons. With regard to dual-use weapons, Voltaire proposes an international system to verify its deployment. The new organisation would oversee space activities and ensure an early warning system for launched missiles. In addition, it would assist in the development and implementation of regulations on space activities. By the way, it would absorb some UN bodies, such as UNCOPUOS. However, this idea would require the consent of official governments, mainly those of large countries (Polkowska, 2019).

As already mentioned, another diplomatic success was the progress in addressing the issue of space debris. After the US test with ASAT in 1985, and the criticism that this triggered from parties of the international community, US Department of Defence began

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<sup>33</sup> [www.stimson.org](http://www.stimson.org) (16.11.2017).

bilateral talks with his allies and the USSR on the issue. Cooperation between the USA, Japan, Europe (ESA) and Russia led to establishing the IADC (Inter-Agency Space Debris Coordination Committee) in 1993. This has led to the development of the project Guidelines for Best Practices in Debris Mitigation, including among other things, the ban on the use of hazardous devices. IADC has called on States to refrain from using long-lived materials in satellites (which are difficult to recycle) and for their transfer from orbit GEO into higher orbits to avoid collisions. Thanks to the cooperation of IADC and UNCOPUOS (to develop voluntary good practices) the Space Debris Mitigation Guidelines have been developed and approved unanimously by the UN Assembly in December 2007. This initiative has triggered further plans to reduce congestion objects in low orbits, which was necessary to limit collision and ensuring the functioning of the private sector (by ensuring stability and control mechanisms) in shared environment.

The principles of the IADC have been replicated in their policies by, inter alia the US. In 2006, the Bush administration developed a national programme for Space policy (proclaiming freedom of action in space). This programme was changed by President Obama in 2010; it was argued, that full independence of space activities is not possible in the 21<sup>st</sup> century. If all states had invoked freedom of action without restrictions, the space could be destroyed by orbital remains and other hazards. It is in the interest of each State to create rules limiting the harmful effects on the space. This means that all states must give up part of their freedom in order to protect a space that they can use without fear (Fuller, 2017).

## **5. CHALLENGES TO THE SPACE DIPLOMACY FOR FUTURE**

Space diplomacy will play a very important role in future as well. During COPUOS sessions in 2017 a need to strengthen existing mechanisms and forging new mechanisms in global collaboration in space activities was presented as 2030 Agenda for Sustainable Development for Space.

Space diplomacy, built on existing norms and negotiated treaties, refers to cooperation among nations on the basis of equal engagement and mutual respect. Building the constructive partnerships. The continuous growth and differentiation of space activities can be attributed to combined and sustained efforts at the national, regional and global levels to foster international cooperation in the peaceful uses of outer space, in particular within the COPUOS, as the main global platform. The next objective of the space diplomacy is to strengthen its pillar by building upon existing partnerships and creating new partnerships in space activities or by addressing “space exploration and innovation” as an agenda item of the COPUOS. Space diplomacy should enhance the safety, security and sustainability of outer space activities. The most important is here to protect of space assets, space systems and critical infrastructures. Diplomacy should build upon the existing network of the Office for Outer Space Affairs and strengthen its global and regional presence. There is a need to create as new item on space exploration and innovation to be added to the agenda of COPUOS to enable spacefaring and non-spacefaring nations to continue discussing important issues regarding humanity’s horizons in space and to facilitate the possibility of exploration and innovation objectives.

Moreover it was recommended that a new item on space and global health be included in the agenda of the Scientific and Technical Subcommittee under a multi-year work plan, also it is recommended to establish a new working group dedicated to the topic. It was

recommended also to establish an international coordination group for space weather. It was also recommended for the safety, security and sustainability of space activities to be enhanced, by protecting the space assets, space systems and critical space infrastructure. The annual convening is recommended by the high-level forum: Space as a Driver for Socio-economic Sustainable Development. It has also been recommended to strengthen existing partnerships of the Office for Outer Space Affairs and creating new ones. The strengthening is recommended for the global and regional presence of the UNOOSA as the gateway to space in the United Nations system. The Office could build on the existing network of regional centres for space science and technology education, and explore how the highest diplomatic levels in New York and Geneva can be engaged in its work in space diplomacy, global governance of space activities and the universality of the space treaties with a possibility of creating further synergies in the space-related work within the UN system and enhancing the delivery of UN space-related services to meet the needs of Member States<sup>34</sup>.

## 6. NATO IN SPACE SECURITY

NATO is more involved in space which is more and more challenging. Some challenges are threats such as cyber or nuclear tests and weapons. Until now, NATO air and land forces have been based on modern computers. As dependence on computers increases, so does the need for cybersecurity. Resilience means that key elements of the armed forces should function even in conditions of interference. However, in the case of a cyber-attack and the resulting computer failure, standard planning procedures and processes for military operations deteriorate. Cyber-attacks against critical infrastructure can reach very high levels of destruction and are difficult to identify, and often the perpetrators – individuals or states – cannot be identified. In this situation, NATO, under the influence of the United States, decided to use space equipment and weapons to defend its members. This article attempts to locate the above arguments in the update of the more involvement of NATO into space operations and space security.

Space seems to be a domain of warfare as others (like land, air or maritime), that is the reason why NATO seems its growing interest in engaging forces into space. The aim of the article is to consider if NATO should be more involved into space. The methodology used consists of analysis of the existing rules and needs in this domain. In the view of the above, it seems reasonable to seek answers to some research questions referring to the necessity and rationale of the involvement of NATO states in the space domain. There are also some question referring to NATO activities and declarations referring to multi domains operations, such as in space. It is also crucial to think about the international cooperation and policy of the largest Western European countries, which have decided to increase the financial outlay on their armies and space equipment. The distribution of weapons in space by the West gives their opponents an important political and propaganda argument and may cause a dangerous escalation of nuclear weapons in Russia and China and the possibility of their use on Earth or in space. Those considerations will form the content of the article by comparing and discussions some legislation and documentations coming from last NATO meetings and conferences in the above subject. There are a lot of publications referring to

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<sup>34</sup> A/AC.105/1166, 13 December 2017, General Assembly, V.17-08851 p. 22; COPUOS, The “Space2030” agenda and the global governance of outer space activities, Note by the Secretariat. Space diplomacy. Strategic objective 4.

NATO itself. Among many there is “NATO at 70’s -A Historiographical Approach” by L. Risso; NATO's Security Discourse after the Cold War : Representing the West by A. Behnke; “NATO and the Enlargement Debate : Enhancing Euro-Atlantic Security or Inciting Confrontation by T. German) or its recent cybersecurity activities, such as “Politics, Governance and Conflict in Cyberspace” by D. Van Puyvelde and A. F. Brantly; “Operationalizing Cyberspace as a Military Domain: Lessons for NATO” by Rand Corporation (US), “Digital war- a critical introduction” by W. Merrin, or “Understanding Cyber Warfare: Politics, Policy and Strategy” by Ch. Whyte.

Not many of the publications refer to space itself. Some of them are the publications of the Joint Air Power Competence Centre (JAPCC), a member of the NATO management in Brussels, and on the notes of the author, who participated in NATO conferences in Turin and Essen in 2019 (Air & Space Power in NATO, Future Vector, Part I, July 2014, Part II October 2014; Command and Control of a Multinational Space Surveillance and Tracking Network, June 2019; The Journal of the JAPCC, Edition 28, Spring/Summer 2019; and the publishing house NATO Command & Control Centre of Excellence, Study, Part One 2019 Cyber- resilience towards cyber-reliance, White Paper, ebrc, Luxemburg [2019]; Joint Air &Space Power. Readhead. Conference 2019, Shaping NATO for Multi-Domain Operations of the Future, 8–10 October 2019 (Essen Conference); publication and, own notes from the conference (SCI-318 Specialists’ Meeting (RSM) on ‘The Space Domain and NATO Operations: A Critical S&T Review’ Army Education & Training Command, and School of Applied Military Studies, Turin, Italy, 25–27 June 2019; conference minutes and author’s notes as well as a number of other studies, including on space weapons (Chanock, 2013; Aliberti and Lisitsyna, 2019) and the security system in cyberspace as well as articles posted on the Internet.

## **7. THE LONDON DECLARATION**

During last meeting of NATO heads of States in London (3–4 December 2019), the 29 NATO on Wednesday the 4<sup>th</sup> of December 2019 jointly declared space a “domain of operations” during a meeting in London in NATO’s 70<sup>th</sup> anniversary. The decisions taken there were of high significant importance. Space was declared as the fifth operational domain for NATO, together with land, air, sea, and cyber. So called “London Declaration” has been issued by the states and governments participating in this meeting celebrating seventy years of the creation of the Alliance. NATO as has been declared must be a guarantee of the security of all allies states and their citizens. The idea of NATO is to work together in case to secure peace and to prevent conflicts (North Atlantic Treaty from the 4<sup>th</sup> of April 1949). According to Art. 5 of the Treaty an armed attack against one or more of them in Europe or North America shall be considered an attack against them all. At the same time states consequently agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations. NATO states are ready to respond to cyber-attacks, hybrid tactics, nuclear, conventional, and missile defense capabilities worldwide. States must preserve and strengthen of arms control, disarmament, and non-proliferation. Moreover, NATO states are obliged to implement and use of the international Treaty on the Non-Proliferation of Nuclear Weapons.

## 8. CONCLUSION

It seems that today diplomacy has an important role to play in space security. Recently, more international organizations, not only strictly in space civil domain as UNCOPUOS or UNOOSA, but also in military domains (such as NATO) are involved in space. Space security is connected to the politics and international relations having the over cross-border nature. That is the reason why space diplomacy became so crucial these days. There are many diplomatic tools necessary to obtain the diplomatic targets. Some of them are traditional, such as negotiations of international agreements and conventions (making hard law), some of them have different nature (soft law). One is sure not only professional diplomats are necessary here, but also experts working in international organizations and those who are representing states. Security law is one of the diplomatic tools which help states to prevent conflicts on Earth. Even though negotiated contracts in space security are necessary to cooperate for states in space, some other forms of law (soft) has even more significant meaning and role to play. Hopefully in the future international space community can form kind of Code of Conduct in space as Common Heritage of Mankind as it was declared in the Outer Space Treaty in 1967. Maintaining the peace in space is one of the priorities for worldwide security. That is why diplomacy in space security needs to be as professional as ever today.

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## **THE DIVERSITY OF MATERIAL LIVING CONDITIONS FOR RESIDENTS FROM EASTERN AND WESTERN REGIONS OF POLAND**

The article assesses the material living conditions of the population in the eastern and western regions of Poland against the background of the country and its changes in 2010–2018. The spatial scope of the research covers the entire country, including the eastern and western regions of Poland, i.e., territorial government units (voivodships) where the administrative border is also the state border. The temporal scope of the research covers the years 2010 and 2018. The empirical material of the article consists of data from the Central Statistical Office in Warsaw, especially the Household Budget Survey. The empirical material was developed in a graphic form using the method of comparative analysis and a scoring method for all diagnostic features illustrating the material living conditions of residents in the studied regions of Poland against the background of the country in 2010–2018. The conducted analysis showed that there are regional disproportions in terms of the material living conditions of the inhabitants. Even though most of the studied regions improved in this regard over the period studied, the eastern regions of Poland are still falling short in comparison to the western regions. In addition, there are also discrepancies in this respect between individual eastern and western regions. The material living conditions of the inhabitants in most of the analyzed Polish regions should be treated, among other things, as the result of the implementation of the European Union cohesion policy, especially in the eastern regions, which are classified as the least economically developed in the EU.

**Keywords:** Material living conditions, eastern and western regions of Poland.

### **1. INTRODUCTION**

The goal and sense of socio-economic development is primarily to improve the quality and living conditions of residents, i.e. social welfare (Woźniak, 2018). One of the priorities of the European Union's cohesion policy is development support that should lead to the reduction of development disparities between the Member States, their regions and local environments. On the other hand, its effect is to increase the competitiveness of the regional and local economy and improve the quality and living conditions of the inhabitants. In this context, the territorial approach, understood as geographical space along with its

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inhabitants, in the process of improving cohesion is more and more emphasized (Polverari, Bachtler, 2005; Lambregts, Janssen-Jansen, Haran, 2008; Czudec, Majka, Zajac, 2018; Miś, Zajac, 2020).

The quality of life in the evaluative aspect is reflected in the objective and subjective assessment. The standard and living conditions make up the objective quality of life, while the subjective quality of life is the perception of an individual's psychological state, expressed by satisfaction, content and happiness (Kędzior, 2003). Objective quality of life is similar to the concept of living conditions, which include: household income, expenditure on food, nutrition quality, housing conditions, household equipment, including access to modern communication technologies (mobile phone, computer, Internet), the scale of using social assistance, children's education, the use of various forms of health protection, various aspects of social exclusion (unemployment, disability, poverty), participation in cultural life, forms of recreation etc. (Czapiński, Panek, 2009; Sompolska-Rzechuła, 2013).

The quality and living conditions of the population are shaped by many different factors. Some of them are a derivative of economic development processes and therefore are determined by the market mechanism, while others are determined by the institutional sphere of the public sector. The first group includes factors related to the labour market (unemployment, employment and working conditions, job satisfaction), the level of income earned, and the structure of expenses (food, other consumer goods, including housing expenses). On the other hand, the second group of factors includes the availability and degree of residents' satisfaction with health care, education, transport networks and cultural institutions. These are factors influenced mainly by local government units, as well as by state institutions. The same group of factors also includes the condition of the natural environment, which – due to the imperfection of the market in this sphere – directly depends on the activity of public sector institutions and affects not only the quality of life of residents, but also visitors, vacationing in places offering tourist attractions. The quality and living conditions of the population are thus influenced by many different instruments of economic policy. The most important ones can be divided into three groups, i.e. stimulating economic development at the regional level and thus influencing the situation on the labour market and the level of household income, supporting the development of technical and social infrastructure facilitating the residents' access to health care and education, culture, recreation, as well as improving the transport accessibility of regions and the condition of the natural environment (Błachut, Cierpień-Wolan, Czudec, Ślusarz, 2017).

The results of research on the quality and living conditions of the population are very important in the decision-making process regarding strategic directions of socio-economic development. This is of importance at the regional level, because a low level of quality and living conditions and the lack of real prospects for their improvement most often result in migration to those regions which, in the opinion of migrants, are better. A consequence of the long-term migration process is weakening of the socio-economic development opportunities of depopulating regions, which in subsequent years lead to intensification of negative migration trends and deepening of interregional disproportions (Błachut, Cierpień-Wolan, Czudec, Ślusarz, 2017). It should be noted that, compared to other European Union countries, not only the regions in eastern Poland, but also other regions have a long distance to cover when it comes to levelling the differences in terms of the quality of living conditions, and there are not only the so-called "Old" Union regions, but also most of the new members of the EU (Balcerzak, Pietrzak, 2015; Wawrzyniak, 2016). The research shows that there are clear differences between individual European Union countries in terms

of the quality of living conditions, with Scandinavia and Luxembourg among the countries at the top of the list. These countries have a low level of material deprivation and the highest level of overall life satisfaction. The bottom line, well below the European Union average, are regions found in countries such as Romania, Bulgaria and Latvia. On the other hand, Poland is in the group of countries where the quality of living conditions is rated lower than the European Union average (Raczkowska, 2016).

Due to the fact that the quality of living conditions is characterised with a wide range of meaning and referring to various spheres of human activity, a properly conducted assessment should not be limited only to the analysis of individual components, but also requires contrasting with the quality of living conditions in earlier years (change index) and with other regions (regional level index) (Błachut, Cierpiak-Wolan, Czudec, Ślusarz, 2017).

## **2. PURPOSE, SCOPE, EMPIRICAL MATERIAL AND RESEARCH METHODS**

The aim of the article is to assess the material living conditions of the population in the eastern and western regions of Poland contrasted with the entire country and the changes arising in 2010-2018.

The spatial scope of the research covers both the entire country and the eastern regions of Poland, i.e. the Podlaskie, Lubelskie and Podkarpackie voivodeships, and the western regions of Poland, i.e. the Zachodniopomorskie, Lubuskie and Dolnośląskie voivodeships, i.e. the regions where the administrative border is also the state border. The time scope of the research, in turn, covers the years 2010 and 2018.

The empirical material of the article consists of data from the Central Statistical Office in Warsaw - Household Budget Survey. The collected and structured empirical material was developed graphically, using the method of comparative analysis, with comparisons made in time and space.

For the purpose of the study, 32 diagnostic features were used that characterize the material living conditions (i.e. income, expenses and food consumption) of the inhabitants of the entire country as well as the eastern and western regions of Poland, as well as the transformations in 2010–2018. The features include:

1. average monthly net income per capita in households (PLN);
2. average monthly disposable income per capita in households (PLN);
3. average monthly income per capita in households (PLN);
4. average monthly income from contract work per capita in households (PLN);
5. average monthly income from self-employment per capita in households (PLN);
6. average monthly social insurance benefits per capita in households (PLN);
7. average monthly net expenses per capita in households (PLN);
8. average total monthly expenditure per capita in households (PLN);
9. average monthly expenditures on consumer goods and services per capita in households (PLN);
10. average monthly expenditure on food per capita in households (PLN);
11. average monthly expenditure on clothing per capita in households (PLN);
12. average monthly expenditure on the use of a flat and energy carriers per capita in households (PLN);
13. average monthly expenditure on health per capita in households (PLN);
14. average monthly expenditure on transport per capita in households (PLN);
15. average monthly expenditure on communication per capita in households (PLN);

16. average monthly expenditure on education per capita in households (PLN);
17. average monthly expenditure on recreation and culture per capita in households (PLN);
18. average monthly expenditure on restaurants and hotels per capita in households (PLN);
19. average monthly expenditures on other goods and services per capita in households (PLN);
20. average monthly consumption of bread and cereal products per capita in households (kg);
21. average monthly meat consumption per capita in households (kg);
22. average monthly consumption of cold cuts per capita in households (kg);
23. average monthly consumption of fish and seafood per capita in households (kg);
24. average monthly consumption of milk per capita in households (litre);
25. average monthly consumption of yoghurt per capita in households (kg);
26. average monthly consumption of cheese and cottage cheese per capita in households (kg);
27. average monthly fruit consumption per capita in households (kg);
28. average monthly consumption of vegetables per capita in households (kg);
29. average monthly consumption of sugar and confectionery products per capita in households (kg);
30. average monthly consumption of coffee, tea and cocoa per capita in households (kg);
31. average monthly consumption of mineral and spring waters per capita in households (litre);
32. average monthly consumption of fruit and vegetable juices per capita in households (litre).

The study included a point assessment of all diagnostic features illustrating the material living conditions of residents in the eastern and western regions of Poland set against the background of the entire country in 2010 and 2018. Individual diagnostic features were compared with the national average, which was assumed to be 100 points, and their advantage or underweight was assessed accordingly in the studied regions. Then all points were summed up and the mean was calculated.

### 3. RESULTS

When assessing all the analysed diagnostic features characterizing household income as a component of the material living conditions, it should be noted that there are significant disproportions in Poland in this respect. Eastern regions of Poland as compared to the western ones are in a much worse situation. Western area is clearly doing better, being close to the national average. In addition, there is also a discrepancy in terms of household income between individual eastern and western regions. Because as the eastern regions are concerned, Podkarpackie Voivodeship is in the worst situation, as opposed to Podlaskie Voivodeship which situation is by far better. On the other hand, in the West of the country, the best situation is seen in Dolnośląskie and Zachodniopomorskie voivodeships, and the worst in Lubuskie (Fig. 1).

In addition, it should be noted that in 2010–2018, with the exception of the Dolnośląskie Voivodeship (where the income situation of households slightly deteriorated, but still being

above the national average), all other regions of Poland under research improved in terms of household income which constitutes a component of the inhabitants' material living conditions. Despite this, however, Eastern regions of Poland as compared to the western ones are in a much worse situation. Western area is clearly doing better, being close to the national average. In addition, still there are still differences in terms of household income between individual eastern and western regions. In the case of eastern regions of Poland, the Podkarpackie Voivodeship is in the worst situation, and the Podlaskie Voivodeship being the exact opposite. On the other hand, in the case of western regions, the best situation is in the Zachodniopomorskie and Dolnośląskie voivodships, and the worst in the Lubuskie voivodship, where it is closest to the average for the whole country (Fig. 1).

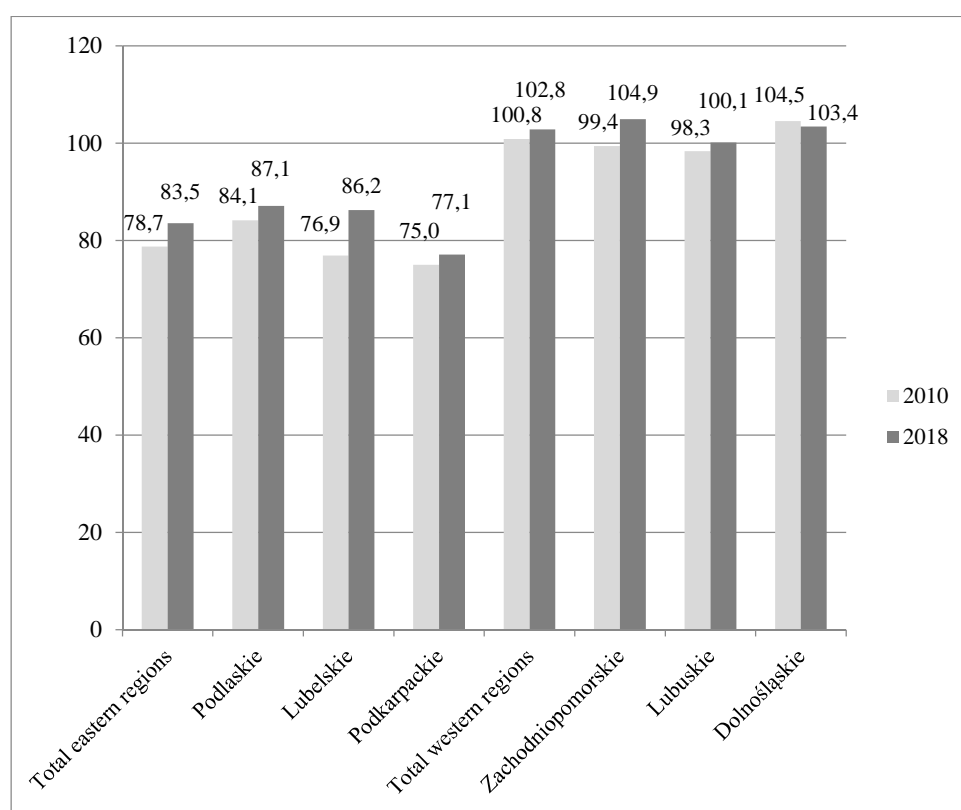


Fig. 1. Point assessment of all diagnostic features characterizing household income as a component of the material living conditions of residents in the researched regions at the background of the entire country in 2010 and 2018 (Poland = 100.0 points)

Source: original study based on data from Central Statistical Office in Warsaw.

When assessing all the analysed diagnostic features characterizing household expenses as a component of the material living conditions of the inhabitants, it should be stated that, as in the case of income, there are large regional disproportions in this respect in Poland. The eastern regions of Poland are characterized by a clearly worse situation in this respect,

compared to the western regions, where the situation is much better and close to the national average. Moreover, there are also discrepancies in this respect between the individual eastern and western regions. In the case of eastern regions of Poland, the Podkarpackie is in the worst situation, and in the West, Lubuskie. On the other hand, the best situation in this respect is in the Dolnośląskie Voivodeship, clearly above the average for the entire country (Fig. 2).

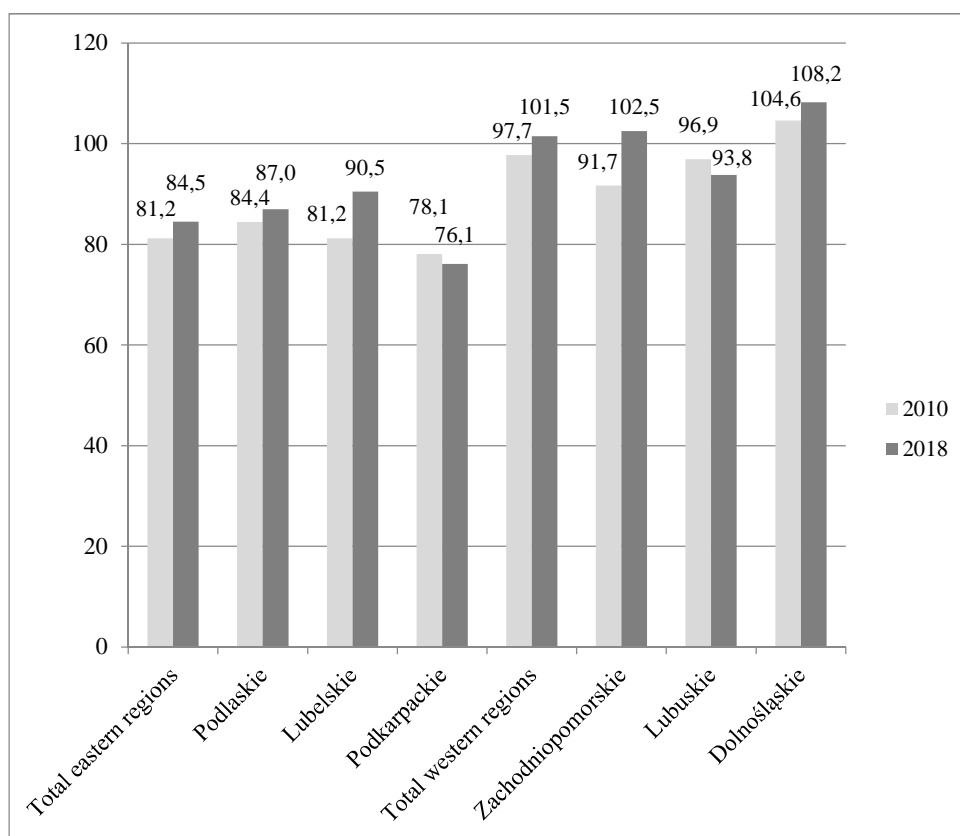


Fig. 2. Point assessment of all diagnostic features characterizing household expenditure as a component of the material living conditions of inhabitants in the researched regions covered by the research at the background of the entire country in 2010 and 2018 (Poland = 100.0 points)

Source: original study based on data from Central Statistical Office in Warsaw.

It should be added that in 2010–2018, except for the Podkarpackie and Lubuskie voivodeships, all other researched regions of Poland improved in terms of household expenditure as a component of the residents' material living conditions, especially in the Lubelskie and Zachodniopomorskie voivodeships. Despite this, however, the eastern regions of Poland are still characterized by a much worse situation in this respect, compared to the western regions, where the situation is clearly better and close to the country's



average. Moreover, there are also differences in this respect between individual regions in the East and the West. Within eastern regions, Podkarpackie Voivodeship is still in the worst situation, and in the case of western regions, Lubuskie. Those are the areas where the situation in terms of household expenditure as a component of material living conditions worsened in 2010–2018 (Fig. 2).

When assessing all the analysed diagnostic features characterizing the consumption of foodstuffs in households as a component of the residents' material living conditions, it should be noted that in Poland there are no major differences in this respect between the eastern and western regions, where the situation in this respect is similar to the country's average. Additionally, there are no major differences in the household consumption of foodstuffs as a component of the residents' material living conditions between individual eastern and western regions. It should be added that in this respect Podlaskie voivodship is in the best situation out of Polish eastern regions, and in the case of western regions, Zachodniopomorskie Voivodeship (Fig. 3).

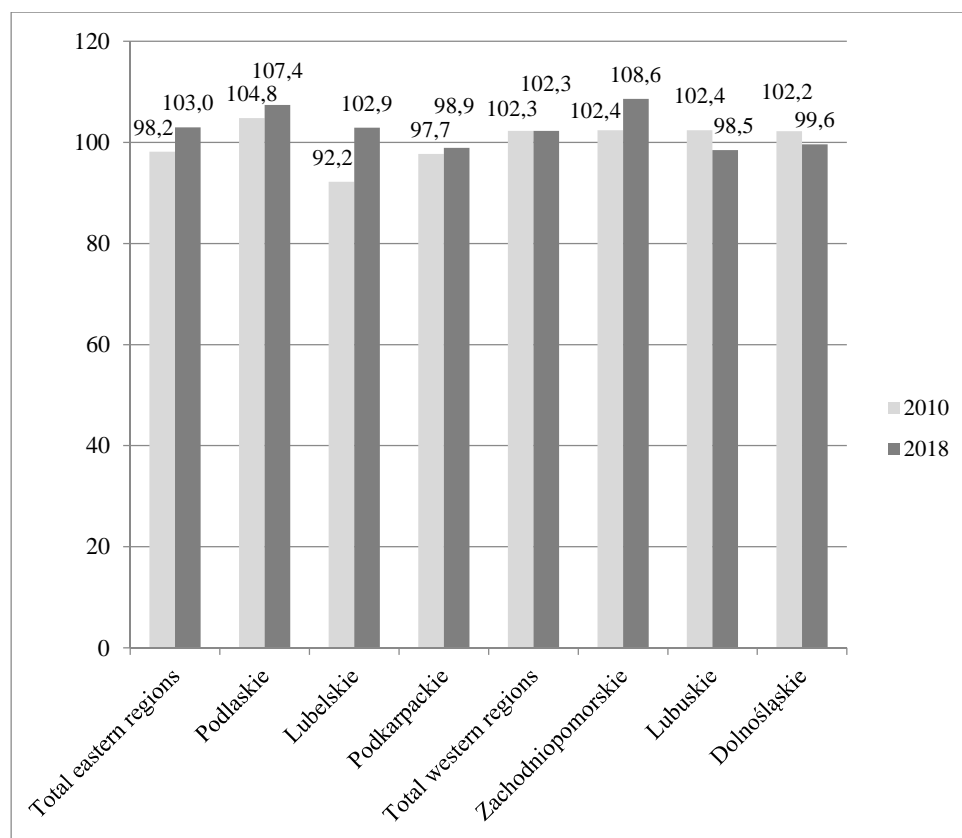


Fig. 3. Point assessment of all diagnostic features characterizing household foodstuffs consumption as a component of the material living conditions of residents in the researched at the background of the country in 2010 and 2018 (Poland = 100.0 points)

Source: original study based on data from Central Statistical Office in Warsaw.

Moreover, in 2010–2018, except for Lubuskie and Dolnośląskie, in all other researched regions of Poland, there was an improvement in the household food consumption and as a component of the material living conditions. It should be added that this applies especially to the Lubelskie and Zachodniopomorskie Voivodeships, and to the least extent to the Podkarpackie Voivodship. However, even though the situation in the Lubuskie and Dolnośląskie Voivodeships in 2010–2018, worsened in this respect, it is still similar to the national average (Fig. 3).

When assessing all the analysed diagnostic features characterizing the material living conditions of inhabitants in the studied areas, it should be stated that in Poland there are disproportions in this respect between regions of the East and the West. The eastern regions of Poland are characterized by a worse situation in comparison to the western regions, where the situation is better and like the national average. Moreover, there particular areas differ in terms of residents' material living conditions within eastern and western regions. Out of the eastern regions of Poland, Podkarpackie region is in the worst situation, and in the case of western regions it is Lubuskie voivodship (Fig. 4).

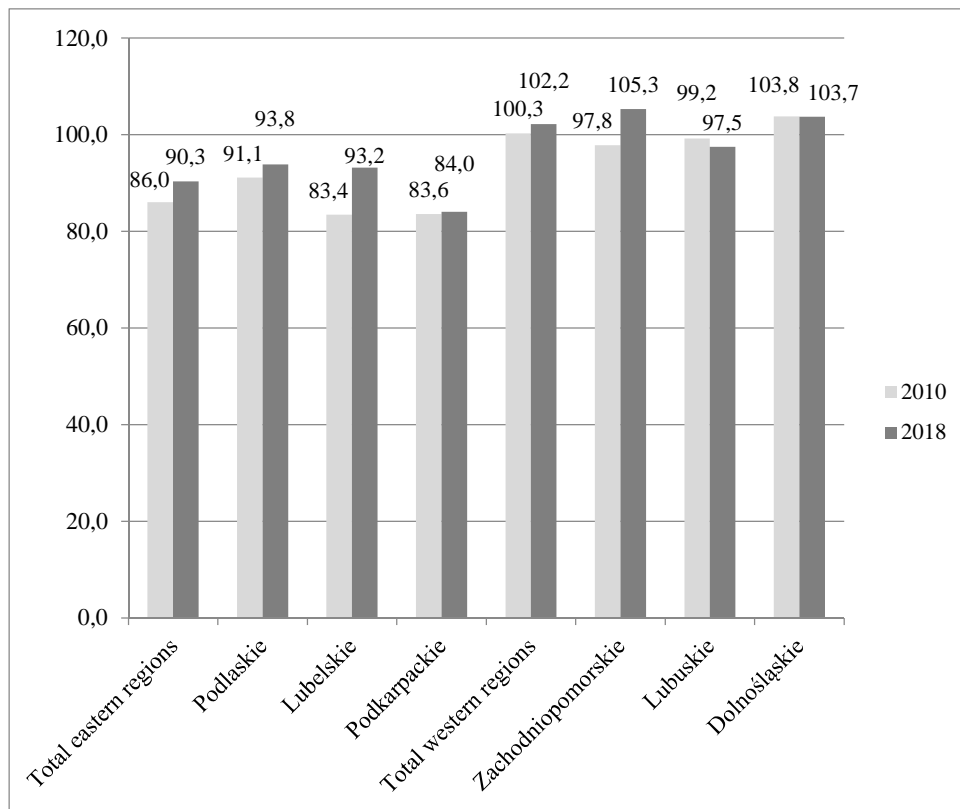


Fig. 4. Point assessment of all diagnostic features characterizing the material living conditions of inhabitants in the researched regions compared to the entire country in 2010 and 2018 (Poland = 100.0 points)

Source: original study based on data from Central Statistical Office in Warsaw.

In addition, it should be noted that in 2010–2018, apart from the Lubuskie and Dolnośląskie voivodeships, all other studied regions of Poland improved in terms of material living conditions. It is mainly visible in the Lubelskie and Zachodniopomorskie voivodeships, and to the least extent in the Podkarpackie Voivodeship. Despite this, however, the eastern regions of Poland, as compared to the West, are still in a worse situation in this respect, The West is doing better, with a similar average to national. In addition, individual regions within the East and the West vary in terms of the material living conditions of their inhabitants. In the case of the eastern regions of Poland, the Podkarpackie Voivodeship is still in the worst situation, and in the case of western regions, it is the Lubuskie Voivodeship. However, even though the situation in the Lubuskie and Dolnośląskie Voivodeships, slightly worsened in 2010–2018, it is still like the national average, with Dolnośląskie Voivodship with the advantage (Fig. 4).

#### 4. CONCLUSIONS

1. In Poland, there are significant regional disproportions in terms of household income and expenditure as components of the material living condition. Despite the fact that in 2010–2018, most of the studied regions improved in this respect, the eastern regions of Poland are still characterized by a much worse situation, compared to the western regions, where the situation is clearly better and similar to the national average. In addition, there are also discrepancies in this respect between individual eastern and western regions. Poland has a large regional differentiation in terms of the material living conditions of its inhabitants.
2. In Poland, there are no major regional differences in terms of the consumption of household food as a component of the material living conditions of the inhabitants. In addition, in the years 2010–2018, most of the studied regions improved in this respect, especially the Lubelskie and Zachodniopomorskie voivodeships. However, even though in the Lubuskie and Dolnośląskie Voivodeships the situation has worsened, it is still like national average.
3. In Poland, there are regional disproportions in terms of the residents' material living conditions. Even though in 2010–2018 most of the studied regions improved in this regard, the eastern regions of Poland are still characterized by a worse situation compared to the western regions, where the situation is better and like national average. Moreover, individual regions in the East and the West vary in this respect.
4. The improvement of the material living conditions in the majority of the studied eastern and western regions of Poland in 2010–2018 should be treated, inter alia, as a result of the implementation of the European Union's cohesion policy, especially in the eastern regions, which are classified as the least economically developed in the EU.

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## THE AID OFFERED TO POLISH CITIZENS OF JEWISH ORIGIN IN THE FAR EAST IN THE YEARS 1940–1941

This article presents the activities of Polish organizations, especially the Polish Committee for Aid to the Victims of War, operating in the Far East during the Second World War. Its main concern is with efforts undertaken in support of Polish citizens of Jewish origin who embarked on a long journey outside Europe in search of refuge from the war. The basic research method adopted in the preparation of this article was the analysis of documents and reports left by the Committee. From the research conducted, I found out how over two thousand people—Polish citizens of Jewish origin—received help. Thanks to the commitment and devotion not only of members of the Committee mentioned above but also of the Polish diaspora and the Polish Embassy in Tokyo, over two thousand Polish refugees found shelter in Japan and then, after obtaining exit visas, traveled further to Canada, Palestine, Australia, Burma, New Zealand, South Africa, the United States of America, South America, or Shanghai. The Committee also provided them with material aid. The help and support they received allowed them to reach a place of safety away from the war and start afresh.

**Keywords:** The Polish Committee for Aid to the Victims of War in Tokyo, the Embassy of the Republic of Poland to Japan, the Second World War, the Holocaust, the Polish-Jewish relations.

### 1. INTRODUCTION

‘He who saves one life, saves the world entire’. These words, taken from Talmud, are used as a motto of Yad Vashem. They also appear on the most important Israeli medal – the Righteous among the Nations. The list of those to whom it has been awarded contains the names of twenty six-thousand silent heroes who saved Jews from the Holocaust, including over six thousand names of Polish citizens thanks to whom many Jews survived, and in Poland, as nowhere else in Europe, the help to which they owed their lives was punishable by death. There is no doubt that the list doesn’t contain the names of many other people from all over the world who, despite the fear they felt and the danger in which they put themselves and their loved ones, chose to offer their help to those who were in need of it. This article deals with some of them. My aim here is to give an account of the assistance which Polish citizens of Jewish origin received during the Second World War from members of the Polish Committee for Aid to the Victims of War in Tokyo and of other

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Polish organizations in the Far East. The story of their efforts and their dedication certainly deserves to be told.

## 2. ESTABLISHING THE COMMITTEE

As early as the beginning of 1940 I received word from German Jews who were travelling across Japan that large groups of Polish Jews from the region of Wilno and Kowno were preparing to flee, and that the route they were going to take ran through Japan. The first refugees who had managed to escape their persecutors in Lithuania began to arrive in Japan in the summer of 1940. The incorporation by the Soviet Union of Lithuania and the Wilno region had the effect of making an ever-increasing number of disorganised groups of both Polish and Jewish inhabitants decide, after a brief period of confusion and hesitation, to set off in the direction of the Far East as the only avenue of escape from misery, persecution or deportation to Kazakhstan (LAC, Vol. 2, 1941).

Refugees' journey from the region of Kowno and Wilno to Japan was made possible by visas and certificates issued by Japanese consul Sugihare Chiune (1900–1986) (Pałasz-Rutkowska, Romer, 1996) and his Dutch counterpart Jan Zwartendjik (1893–1976). Relying on the help and papers from foreign diplomats, refugees travelled by train through Siberia to Vladivostok and then by ship to Japan. It is worth noting that there were thousands of people whom both diplomats, putting their own lives at risk, helped entirely selflessly.

According to records from the Polish diplomatic mission in Tokyo (Szubtarska, 2014), between August 1940 and February 1941, 740 Polish citizens arrived in Japan. Over 95% of them were of Jewish origin. All of them needed support. During the first few months they received help from members of the Polish diaspora and of the Polish diplomatic mission in Tokyo, but this support quickly proved insufficient. 'The embassy, understaffed due to the war-related budget cuts, wasn't prepared to fulfil its new consular obligations, especially on such a scale. The Polish colony in Japan, small and not well-off, wasn't able to fully discharge the task, and there was a general scarcity of means. No less negative was the fact that the number of refugees likely to arrive wasn't known beforehand, even roughly, and that the Soviet exit regulations and the visa rules of foreign states underwent constant changes. Refugees travelled on papers which were usually insufficient to confirm their Polish citizenship and marital status, and without resolving these issues as well as without examining their political loyalties, often put under pressure from the Soviet intelligence, they couldn't continue their journey. The fact that refugees arriving in Japan had no cash resources made it necessary to obtain some funds to meet their basic needs and to cover the cost of sending expensive telegrams and completing various formalities in foreign consulates' (LAC, Vol. 2, 1941).

It quickly turned out that the situation of the refugees in the Far East required the organization of a broad support system. In the autumn of 1940, on the initiative of the Embassy of the Republic of Poland and the Polish diaspora in Japan, the 'Polish Committee for Aid to the Victims of War' was established. Its first concern was to offer help to all Polish citizens regardless of any differences among them. During the first days of its work, the Committee, which installed itself in the buildings of the Polish Embassy, encountered a number of financial and formal difficulties.

Zofia Romer (1897–1981), wife of the Polish ambassador to Japan (Szubtarska, 2012), was appointed head of the newly established organization, Klemens Zyngol took charge of its refugee section (member of *American Joint Distribution Committee*), and Paulina

Zikman, wife of the greatest Polish industrialist in Manchukuo, became its treasurer. The Committee's board also included Karol Staniszewski, Aleksander Piskor (the embassy's workers), Stefan Romanek and Natalia Szcześniak, wife of a contract agent. The activity of the Committee was regulated by the charter confirmed by the Polish Embassy as the supervisory body and was subject to the authority of the Audit Committee set up by ambassador Romer and composed of three members: Colonel Jerzy Levittoux (chairman), Władysław Kuncewicz and Fryderyk Tabaczyński.

In September 1940, soon after its formal establishment, the Committee set to work procuring funds from abroad to help refugees, an unexpectedly great number of whom, usually without any material means, was pouring into Japan, belying initial predictions regarding them. In pursuing its goal, the Committee established cooperation with Jewish organizations in Japan, with *American Joint Distribution Committee* and with East European *Committees for Assistance to Jewish Immigrants from Eastern Europe*. The aid effort was also supported by the Polish diaspora in the Far East.

### 3. ORGANIZATION OF AID

In January 1941 increasingly large groups of refugees began to flow into Japan, which led the Committee to establish its units in Kobe and Yokohama. Refugees also became involved in the relief work.

Once it was established and the refugees came pouring in, the Committee focused its attention on:

- Passport and papers assistance.
- Emigration assistance.
- Care and material aid.

It quickly transpired that many refugees had either inadequate or invalid papers. Weeks were spent in trying to put these issues, crucial for refugees' future, in order. The staff shortage, the number of matters handled by the Committee and professional inadequacy of many of its members hampered the efforts it was taking in the field in question. Papers of all refugees required, if not complete exchange, then at least extension. Only few refugees had passports issued in Poland, most were equipped with certificates from the Department for Polish Affairs in Kowno and these had to be exchanged for passport books or for certificates from the Consular Section of the Polish Embassy in Tokyo.

The strict registration of all refugees and the settlement of all issues regarding their papers, carried out with a view to facilitating their departure from Japan, called for a collaborative effort of many people. To understand the extent of the refugees' needs, dry numbers alone aren't enough, one has to interpret them. In a short time a dozen or so people had to prepare a variety of documents (passports, birth certificates, morality certificates) for 2185 refugees. The Committee's members could count on the help of two people sent by the Polish Embassy in Tokyo. It was also agreed that in matters relating to various documents the Committee would serve as a link between the refugees and the consular section of the Polish Embassy. Under the arrangement, the Committee would accept refugees' applications at its offices in Kobe and Yokohama and then pass them on to the embassy's consular section, along with information about refugees' profession, age and family relations. In carrying out these tasks, it received support from the Polish Doctors Association, the Polish Engineers and Technicians Association, the Polish Lawyers

Association, the Jewish Agency and the Polish Branch of the Bund (all of these organizations were of course based in Japan).

The Committee's first step was to send one of its members to the harbour. Polish citizens who arrived there were given assistance in completing all entry formalities and were then sent to Kobe where the local Jews had prepared special rooms to accommodate several hundred people. Those few refugees who arrived directly in Tokyo were lodged on the premises of the Polish Embassy. Newcomers were offered guidance and financial aid. The Committee's members carried out initial registration and, when need arose, intervened on behalf of their fellow countrymen with maritime transportation companies.

The next step consisted in providing Polish refugees with final-destination visas. Efforts undertaken to help Polish citizens leave Japan and go somewhere safer can be considered the most important part of the Committee's activity. In dealing with immigration issues, its members prepared all kinds of documents for the Polish Embassy and acted as an intermediary between foreign consulates and Polish citizens with regard to visa matters.

In the task of securing permits allowing refugees to stay in Japan until they were provided with exit visas, the Committee cooperated with the Committee for Aid to Refugees attached to the Jewish Commune in Kobe.

It must be emphasised that it was impossible for Polish refugees to remain in Japan, since the country was already on the side of Poland's enemies and Polish citizens faced the threat of ending up in concentration camps. Besides, Poland promised that they would leave immediately after a safe refuge was found for them somewhere else (the transit visa allowed them to stay there for ten days).

The help from the Polish Embassy increased the efficacy with which the Committee handled visa issues, which involved specifying the order in which individual refugees were to leave Japan, and the country to which they were to go. This specification depended on refugees' professional skills and on the possibility of obtaining visas for them. The offices in Kobe and Tokyo prepared information about their age, family relations, education and profession. The Committee's members received support in this regard from the Polish Doctors Association, the Polish Engineers and Technicians Association, the Polish Lawyers Association and the Jewish Agency representing Zionist organizations from Poland and the Branch of the Polish Bund.

During the first months of the Committee's work it seemed that it would suffice to rely on contacts with the British to solve visa problems, but, as we know, refugees were steadily increasing in numbers. Once there were more than eight hundred of them, it became clear that it would be necessary to look for other destinations. Handling visa issues was made more difficult by the restrictions imposed on immigration by the United States and by South American countries. Here again the Polish Embassy in Japan came to the rescue.

At the end of January, the first talks, attended by heads of both embassies, representatives of the Australian legation and *chargé d'affaires* of Canada, were held in the English Embassy. The next meeting took place at the beginning of February. In his account of it, the Polish ambassador to Japan wrote: In my conversations with the Allies I tried to treat this Far East task as a separate issue, one requiring a special solution, directly unconnected with the way this kind of problems were dealt with in other areas, of which my knowledge was too poor to talk about them. I get the impression that my arguments pertaining to local conditions persuaded my colleagues of the inevitable necessity of doing 'something' for us and ensured them that this 'something' wasn't too difficult to achieve' (LAC, Vol. 2, 1941). As a result of these negotiations the Polish Embassy secured 300



hundred visas to be used by Polish citizens during the wartime years. The documents enabled another group of Poles to go to Canada, Palestine and South and Central America.

The Committee's activity was soon extended to include all the efforts taken by refugees to obtain visas to the United States and South American countries. The Committee also established cooperation with the Kobe-based Jewish Agency. Both organizations worked together to help refugees having Palestinian visas get to Palestine. Much of the help the Committee received came from Józef Epstein from Warsaw and Rozowki from Kowno, both of whom were representatives of the Hicen Society from the United States in Japan. After becoming acquainted with the plan of the evacuation of refugees and presenting the Head Office in New York with relevant information, they were ordered to establish the Hicen Section in Kobe. The help from this organization actually eliminated the problem of covering refugees' travel expenses.

Efforts regarding emigration issues included the health screening of those refugees who were applying for visas to one of the countries of the British Empire. Helpful in this regard were of course doctors from the Polish Doctors Association.

In his report to the Ministry of Foreign Affairs, the Polish Ambassador in Tokyo gave the following account of the activities pursued by the Committee and the Embassy: 'to relieve refugees of the necessity of travelling in large numbers from Kobe to Tokyo in order to complete passport formalities (nine-hour trip by fast train), which was very expensive and inadvisable in terms of police regulations, I ordered respective officials from the consular section of the Embassy to install themselves in the building of the Honorary Consulate in Osaka (half an hour from Kobe) and work there for a few days after the arrival of each new transport of Polish refugees. The latter's papers, needing processing, are taken to Tokyo, which is also a destination of some of our refugees whose presence in the capital is necessary. The circumstances have forced me to increase the number of staff members for a period of the heavy workload (...) the tactic employed by the embassy in dealing with the difficult problem of distributing Polish refugees was a) to draw first on our own resources, such as our staff's family and personal relations, already available visas and other possible options, b) to use the influence wielded by Jewish Organizations and by the Polish Committee for Aid to the Victims of War, which allowed us to extend the range of our activities outside Japan, to distant countries, and c) only finally to send the embassy's recommendations to foreign diplomatic and consular posts or to Polish embassies in other countries' (LAC, Vol. 2, 1941). In this way, by January 1941, we had managed to dispatch 300 hundred people to a dozen or so countries. The most, that is, 142 of them went to the United States, 43 to Palestine and 35 to Canada.

The third plank of the Committee's activity concerned the provision of material support to Polish refugees in the Far East. It should be noted that 75 per cent of the Committee's budget came from the *American Joint Distribution Committee*. Donations from this institution accounted for the lion's share of the committee's funds.

The material aid offered by the Committee aimed to cover the cost of living in Japan and of leaving Japan. The Committee at the Jewish Commune in turn provided refugees with temporary accommodation and money allowances. Worth noting is the fact that various groups of refugees such as rabbis or rabbis' apprentices were lodged in separate houses in consideration of their different habits and lifestyles.

Relying on the help of both local doctors and those recruited from among refugees themselves, the Committee organized medical aid in every refugee centre in Japan, using its own funds to pay doctors for their work and to cover the costs of medical treatment.

The work of the Committee and the Polish Embassy was interrupted in October 1941, after Japan broke off diplomatic relations with Poland (I shall return to this issue later).

As indicated in the financial statement covering the period from 5 September 1940 to 17 October 1941 the total amount of money raised by the Committee was 120.805.67\$, of which most, that is, 65.116.03\$ was donated by *Joint Distribution Committee*. However, worthy of mention are also contributions made by Polish refugees (9.142\$) and the Polish diaspora in the United States (8.488.06\$). The total of 120.196.09\$ was distributed, of which 83.764.08\$ were spent in support of refugees, including loans (27.645.66), money allowances (26.999.86), medical treatment (1.883.99), visa fees (3.902.07), travels (15.305.72) and telegrams (8026.78). Administrative expenditures amounted to 8.714.23\$ (IPMS, MSZ A.11.E/817). By 17 October 1941, 2185 Polish refugees had moved into Japan (97 percent of them were Jews) and 2077 left it. Their main destinations were as follows:

1. The British Empire – 634 people, including Canada 259, Palestine 210, Australia 84, Burma 35, New Zealand 31, South Africa 9, Great Britain 3, Egypt 3.
2. The United States – 502 people
3. South America – 166 people
4. Shanghai – 764 people
5. Other countries – 11 people (IPMS, MSZ A.11.E/817).

It is difficult to overestimate the role which all of the institutions discussed here played in the lives of Polish citizens, mainly of Jewish origin, who travelled from Wilno to Tokyo to receive help and to survive. This is how their experiences were described by one of the survivors: ‘And as we were leaving Japan – some to join the army (which was kept secret), some to reunite with their families or friends and some to venture into the unknown, “in search of bread” – we were always accompanied by someone from the Embassy who bade us farewell at the harbour and who wished us a good journey. It is perhaps for this reason that it seemed as if we were leaving behind someone who was very close and dear to us, almost an immediate family member. And this was the success of our embassy, of ambassador Romer and his entire staff. Nobody who stayed in Japan at that time would forget “*Porando Taiszikan*”. In truth, it wasn’t just an office. Rather, it was a home, a shelter for wanderers, a clinic for the sad and worried, treating all kinds of troubles, finding means of living, obtaining visas, tickets, transportation, permits and a variety of minor things that can’t even be mentioned here. And one more thing. Poland was there, and this is most important’ (*Porando Taiszikan...*, 1943).

#### 4. SUMMARY

After closing the Embassy Japanese authorities decided to transfer all Polish refugees who were still in Japanese territory to Shanghai. Consequently, towards the end of 1941, 946 Polish citizens, mainly Jews, including 151 women and 86 children, appeared in this Chinese city, occupied by Japan at that time (LAC, Vol. 2, 1942). About one hundred of them had already obtained asylum visas but couldn’t set out for their respective destinations because Japan suspended ship connections before going to war against the United States. In a telegram sent to the Ministry of Foreign Affairs in November 1941, Romer wrote: ‘The biggest trouble will be with a group of about 350 rabbis and their apprentices who are going to be lodged together with no prospect of employment. I believe that only pressure from American Jews can help here. I am going to work towards this goal (LAC, Vol. 2, 1942).

The task of organizing aid for this large group of Polish citizens was taken up by Romer who arrived in Shanghai on 1 November 1941, having been appointed ambassador of the Republic of Poland to the Special Mission in the Far East in Shanghai. The task wasn't easy, especially after the outbreak of war in the Pacific. The fact that maritime passenger traffic was brought to a halt made it impossible for many refugees to take advantage of their visas and reach safety in countries that weren't engulfed by war. This situation also hampered the transfer of financial resources used to meet the needs of Polish citizens, which made it necessary for Romer and his staff to look somewhere else for support. However, the effects of their efforts were very impressive.

Polish citizens could count on the help of not only the *Joint* but also of institutions they themselves created with the support of the ambassador. There was the *Polish Aid Society* operating in Shanghai, a care organization composed of local Polish Jews and using only Polish funds. The Polish Embassy and the Committee played a significant role in organising kitchens, sewing plants, small businesses, English courses, medical treatment, loan institutions and the like. The same kind of activity, but based on foreign source income, was also pursued by 'Ort' (*Society for Promotion of Handicrafts and Agriculture for News in the Far East*), a kind of craft school for Jewish refugees. Men received training as carpenters, electrotechnicians, car mechanics and drivers while women as tailors and corsetieres.

Also important was the role of the Care Council. Containing representatives of all Polish organizations in Shanghai, it met to discuss matters that were particularly important for refugees.

The General Board of the Union of Poles in China was established with the consent of the Japanese authorities. Its task was to continue efforts aimed at helping Polish refugees. It was assumed that the Board would represent their interests before the Japanese occupation authorities.

It is difficult to estimate all the aid efforts undertaken by the institutions dealt with here. They can certainly be given credit for helping a great number of people go to Australia, New Zealand, Canada, Mexico, Palestine and the United States, and for helping those who remained in Shanghai survive the war. Refugees were reported to quickly adapt to new life conditions, especially in Burma, Australia, Canada and New Zealand. They were able to find employment and start earning their living (IPMS, MSZ A.11.E/817). Their help also allowed students of the rabbinical school in Wilno to leave the city and go to the United States, which was a significant accomplishment. Although, as I have already mentioned, social activity undertaken in support of Polish refugees in the Far East in the years 1940–1941 is difficult to assess, there can be no doubt that those who were involved in it should be posthumously honoured – at least by the memory about their devotion.

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## **STEREOTYPES IN MANAGEMENT – DOES LEADERSHIP HAVE A GENDER?**

The aim of this article is to indicate the role of gender stereotypes in management and their significant impact on the perception of leaders and on the management styles of organizations, depending on the gender of the leader. Although the topic has been explored by researchers and practitioners for years, it still seems important from the perspective of leaders' career paths. In this context, the present article attempts to review and analyze the past literature on gender stereotypes and their differences, similarities, and perceptions in relation to leadership styles. Research shows that gender patterns influence the perception of leaders by employees, as well as by leaders themselves. Women and men in managerial positions tend to perform their roles differently, the reasons for this being attributable to the internalization of gender roles defined by gender stereotypes. Therefore, it is critical for organizations to incorporate gender diversity management in the workplace.

**Keywords:** Leadership, gender, gender stereotype, management.

### **1. INTRODUCTION**

Socio-cultural transformations, civilizational and cultural development and globalization are processes that strongly determine the internal and external environment of an organization, forcing it to constantly monitor and quickly respond to the changes taking place. Transformations in the organisational environment are an impulse to verify the current solutions, to explore innovative methods, methodologies and tools suitable for managing complex company structures and to seek new opportunities for organisational development. Nevertheless, in the era of access to similar technologies, tools and opportunities to gain knowledge, what makes the organization competitive is the employees' professional potential. Particular importance is attached to the quality of managerial staffs and the search for the profiles of the best managers.

For many years, the analysis of the leadership phenomenon has also been becoming an intensively explored field of research in the area of social sciences. In order to meet the management needs, researchers verify various models, identify barriers to the implementation of good management practices and define effective leadership taking into account the characteristics of the organisation and its employees. Gender, as research shows, is one of the characteristics that influence recruitment processes and the final organisational

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structure. Like age, it is one of the most universal indicators of social stratification. The causes of this state of affairs are seen in the fact that the biological sex is understood to also include the socio-cultural features that influence the formation of an individual's identity and its perception by its environment (Mandrysz, 2003).

A review of the statistics reveals an imbalance between the number of women and men in managerial positions, both in the world and in Poland – women are an under-represented group among managers (e.g. raport Grant Thornton, 2019; Duncan, Cassells, 2019). And although there are differences between individual countries in Europe, the overall proportion of women is lower than men (EIGE, 2019). According to the data from the European Commission, only one in three managers in the European Union is a woman (Eurostat, 2019). In Poland, the data discussed by Dzwigoł-Barosz (2015) show that 30% of Polish companies have women on the boards but only 4% hold the rank of president. This is so despite the fact that companies with more women on the boards are characterised by better corporate governance, business ethics and financial management (e.g. Kowalski, 2011; Hunt, Layton, Prince, 2015, Deloitte, 2012; Franke, 1997).

## **2. LEADERSHIP IN A MODERN ORGANISATION**

Any attempts to define the concept of leadership present many difficulties. This construct, which occupies an important place in business practice, has been given a number of definitions highlighting its various aspects. In the most general sense, a leader is any person considered to be managing a specific project, an internal organisational unit or an entire company. The leaders are therefore all members of the organisation acting as supervisors, including entrepreneurs – owners of their own businesses. R. Griffin includes all those whose primary responsibility is to carry out the management process, regardless of their position in the organisation (Griffin, 2004). The category of leaders also includes all those whose role is to make sure that goals are achieved by teams or to determine and coordinate work activities of others (Listwan, 1995; Kisielnicki, 2005). In a narrower sense, the term leader is understood as referring to a specific group of employees. Stoner (1999) identifies a leader as a member of the senior management team responsible for the overall management of the organisation.

In recent years and along with the shift towards the humanistic concepts of authentic leadership, a distinction has emerged in the literature focused on demonstrating the differences between a leader and a manager (T. Oleksyn, A. E. Oleksyn, 2008). It is assumed that leadership is associated with concepts such as vision, inspiration, getting people's commitment to achieving goals and indicating directions of change while the leader themselves become a role model for others. Management, on the other hand, manifests itself in the implementation of the tactical functions of controlling, motivating, budgeting, planning and organising as well as making decisions. Therefore, various types of leaders are needed in order to carry out the more and more complex organisational tasks. It is important to take care to make sure that people are properly suited to the particular challenges. By referring these differences to the organisational practice, it can be seen that it is not the name of the position that defines a leader but the scope of the tasks they perform. The manner they are performed depends on many factors that lie within the organisation itself as well as within the particular employee attributes (e.g. experience, education or personality). One of such factors is gender and adjustment of leaders' behaviours to the

requirements of gender-related roles as well as the way leaders are perceived by employees where such perception is determined by stereotypes.

### **3. THE ROLE OF GENDER AND GENDER STEREOTYPES IN MANAGEMENT**

The impact of stereotypes on various spheres of the functioning of women and men has been the subject of interest among researchers in the humanities and social sciences for years. It would seem that the rich literature on the subject has already dealt with all the contexts for talking about the relations between gender and the labour market and management. However, the constant evolution of the stereotypes forces constant monitoring and verification of the changes in the very content of the stereotypes and their perception by the stereotyped people as well as a change concerning the requirements ensuing from the social views on an employee's gender (e.g. Eagly, Nater, Miller, Kaufmann, Szczesny, 2019; Sule, Seda, Kubilay, Loranth, 2019; Majcher, 2012; Lipińska-Grobelny, Gorczycka, 2011).

As Moczyłowska (2017a, 2017b) writes, gender as a variable associated with a divergent attitude towards management has been present in academic works since the 1970s, mainly in the context of seeking gender-related differences between management styles. In the 1980s, researchers focused on analysing the natural differences between genders treating them as valuable diversity for organisations. Currently, there is a dispute among researchers about the nature of these differences. Are they real or apparent, and do they predispose one gender more than the other to engage in management?

Stereotypes are views, opinions, judgments and superstitions that go beyond mere categorisation. These fundamentally false generalisations refer to a group where identical characteristics are attributed to all its members, regardless of the real differences between them (Aronson, Wilson, Akert, 1997). The sources of stereotypes can be specified as individual or social. The social ones are related to the patterns of behaviour accepted in a particular community while the individual ones result from personal experience and certain features related to perceiving reality. Some of the most frequently appearing stereotypes are those related to gender; hence, their impact on the social reality cannot be underestimated. Gender categorisation already exists in two-year-old children. It is acknowledged that at this age they already have a notion of masculinity and femininity (Vasta, Haith, Miller, 2001). This means that many gender differences are not based on biology but are related to each individual's socialisation experiences (Giddens, 2004).

In general, all the characteristics contained in gender stereotypes have a bipolar distribution. They can be broken down into typically male (instrumental) and typically female (expressive) features. The former are valued higher in most cultures. Stereotypes related to genders and the gender roles pertaining to them regulate social behaviour of women and men in every society – they contain in them culturally defined behavioural characteristics of women and men (Mandal, 2004). The influence of stereotypes is primarily revealed in the attributes ascribed to the particular individuals and the assumption that they are more predisposed to certain activities. Thus, in most cultures, the content of the male stereotype includes traits related to physical strength, domination, action orientation, self-sufficiency and independence, but also aggressiveness or egoism. On the other hand, the stereotypical image of a woman describes her as kind, delicate, passive, characterised by interpersonal sensitivity and empathy, but also emotionally unstable and rather not resistant to stress (e.g. Mandal, 2003; Deaux, Lewis, 1984). Thus, the distinguishing features of men

are activity and action, and the characteristics of women are interpersonal sensitivity and relationships with people (Królikowska, 2011). However, as Mandal (2005) writes, 'it also turns out to be wrong to assume that women and men only have their own gender specificity because features treated as typically male or typically female are found in representatives of the opposite sex'.

In order to properly understand the role of stereotypes in management, the focus should be on how they can affect managerial staff. Children are expected to behave in a specific way from birth and their consistency with the gender is subject to constant social control. E. Mandal (2004) conducted a review of studies which shows that even children as young as 3 years show greater interest in gender-specific activities which increases with age. Behaviours inconsistent with the cultural stereotypes will be criticised, and those that are gender-specific are socially acceptable. Thus, women and men build their identity based on the internalisation of social expectations. As a result, there are many gender differences affecting different spheres of life, including work. Men, for instance, have a higher self-esteem than women and this is associated with a more positive assessment of their own competence than in women. Women, in turn, are more reluctant to make risky decisions and to decide for others. Women are also characterised by a stronger openness towards people expressed in altruistic attitudes and they also better read signals indicating socially approved behaviours. Research also shows that with age the level of anxiety decreases in men while it increases in women (Croson, Gneezy, 2009). Compared with men, women are also characterised by a lower self-assessment of their own management skills and lower levels of leadership aspirations (Fritz, van Knippenberg, 2019; Pufal-Struzik, 2017; Hisrich, Brush, 1984).

#### **4. THE IDEAL LEADER AND THE GENDER**

There are three strands in the literature that define effective leaders, i.e. emphasising personality traits, focusing on behavioural patterns as well as situational theories that emphasise the adjustment of leadership strategies to different conditions. Nowadays, concepts indicating natural leadership potential based mainly on authenticity and emotional intelligence can also be found. It seems that just like the number of definitions of leadership itself, the number of attributes of the ideal leader is infinite. Just to show their multitude, some examples can be mentioned: self-discipline, diligence, honesty and ethics, emotional self-control and balance, communication skills, speed and high quality of decisions, motivating and inspiring others, self-confidence, empathy, charisma, ability to set short- and long-term goals, ability to reward, attitude to employee development and perception of resources, ability to build conflict-free relationships based on respect and trust, initiative, resistance to stress, objectivity, ability to admit mistakes, accepting mistakes in others, setting challenges, being fair.

At the same time, the characteristics that are not accepted in a leader include lack of assertiveness, passivity, difficulty in making decisions and excessive emotionality. As can be easily seen, these traits are often mentioned as those that characterise women – for it is commonly believed that leaders have traits more strongly associated with aggressive attitudes than social ones, and the leader stereotype is closer to that of a man than that of a woman (Butterfield, Parent, 2002). Therefore, in social perception, effective leadership is identified with masculinity, and men are indisputably predisposed to perform managerial roles. As a consequence, women are considered incapable of performing managerial roles,



and their leadership style is associated with lower effectiveness (Górska, 2016). In addition, women in managerial positions have to face the conflicting expectations placed on them (Newport, 2001). On the one hand, they are expected to exhibit manifestations of the feminine stereotype (e.g. ability to form relationships or gentleness); on the other hand, to be consistent with a more masculine leadership stereotype (e.g. being aggressive or independent). This contrast is also one of the barriers to women's advancement – in many masculinised organisations stereotypically female traits are treated as a manifestation of weakness and lack of leadership competence.

Economic transformations will, however, force changes in the perception of women in the roles of leaders and entrepreneurs. In complex structures that pursue their goals in an unpredictable economic reality, increasingly more importance is being given to the relational and emotional contexts of work. Therefore, as Goleman writes, 'the old leaders will have to learn new tricks' (Goleman, Boyatzis, McKee, 2002). He stresses the responsibility of leaders in the face of the changes taking place in contemporary organisations to create emotionally intelligent organisations in order to provide employees with a positive, healthy, relational capital-based work environment. Given the results of research in such organisations, effective leaders will be required to use the attributes currently considered to belong to the female sphere.

The issues of stereotypes in management are usually considered from two angles, i.e. their impact on the functioning of leaders and the perception of leaders through the prism of gender characteristics. Some of the most frequently analysed variables in the context of gender in management are management styles. Typologies of styles can be found in the literature. However, most of them can be described by means of a dichotomous division. Those most frequently described include (e.g. McCleskey, 2014; Piskorz, 2012; Czerw, Babiak, 2010; Mrówka, 2010; Żukowski, Galla, 2009; Penc, 2007; Mroziwski, 2005; Koźmiński, Piotrowski, 2000; Bass, 1997):

a) task-oriented vs relationship-oriented leadership:

A task-oriented leader is interested in doing the job, and their influence is related to task control. Relationship-oriented leadership, on the other hand, presupposes a focus on positive emotions and the right relationship in the course of performing the tasks.

b) transactional style vs transformational style:

Transformation is about emotions, values, ethics, long-term goals and includes an assessment of motives and the ability to meet employees' needs. Transformation leaders inspire and motivate and encourage professional development. Transactional leaders, on the other hand, focus on task control, reward and punish while focusing on performance.

c) authoritarian style vs democratic style:

The authoritarian style is characterised by distribution of tasks among employees without the involvement of the leader. Interaction takes place mainly through orders, instructions and penalties. A feature of the democratic style is the focus on teamwork and group decision-making concerning ways of achieving objectives.

It can be noticed that these styles reflect gender stereotypes. The majority of research in the Polish and foreign literature characterises the female management styles as being transformative, more democratic (participatory) and more employee-oriented. Conversely, the transactional, authoritarian (directive) and task-focused style characterises the male management strategies (Leithwood, Jantzi, 2005; Eagly, Carli, 2003).

## 5. PREFERENCES FOR LEADERSHIP STYLES AND PERCEPTION OF THE LEADER THROUGH THE PRISM OF GENDER

Reviews of concepts and studies also point to differences in preferred management styles depending on the gender of the leader. Women, in contrast to the male prescriptive and controlling management styles, are more likely to choose styles based on relationships and community. In general, comparative research results highlight women's propensity for democratic leadership styles and their preferences for teamwork. Unlike women, men are more likely to adopt an autocratic and task-oriented style (van Engen, Willemsen, 2004). Women, on the other hand, value the transformational style higher and men the transactional style (Cuadrado, Navas, Molero, Ferrer, Morales, 2012). According to Dzwigosz-Barosz (2018), 'women use "*management by love*" and men "*management by fear*". In the author's opinion, men are characterised by being more ruthless in pursuing their goals, adopting faster decision-making processes and having a greater willingness to take risks than women, who are more conscientious, cooperative and more likely to see emotions in others.

Women and men in managerial positions tend to perform their roles differently, the reasons for this being attributable to internalisation of gender roles defined by the gender stereotype (e.g. Sebastian, Moon, 2017; Lyness i Heilman, 2006). These findings are supported by Polish studies which used the five-factor personality model (FFM, the Big Five) to examine personality differences between women and men in managerial positions and the levels of emotional intelligence. It turns out that women, as compared with men, are characterised by significantly higher neuroticism, openness to experience and amicability. Men are also characterised by a lower level of emotional intelligence than women, largely responsible for the ability to build relationships with others and for openness to people. These traits may support the above discussed tendencies to choose particular styles of managing others (Babiak, Bajcar, Borkowska, 2017).

Polish research conducted by Moczydłowska (2017a, 2017b) also shows that employees perceive their leaders differently depending on their gender. As it turns out, perception of leaders has also repeatedly been consistent with gender stereotypes. Respondents associated male leaders with features of the gender stereotype, i.e. 'determined, demanding, responsible, authoritarian, and ambitious.' According to the respondents, a male manager is self-confident, rivalrous visionary with a tendency to manipulate others, high emotional resilience, lack of empathy and orientation towards subordinates. On the other hand, female leaders were characterised by conscientiousness, care for the emotional atmosphere at work, poor resistance to stress and frustration, and excessive emotionality. They were also attributed with high ambitions and excessive requirements imposed on employees, and a lack of tolerance for errors. These traits were also attributed to men. The author of the study concludes that managerial effectiveness is influenced by a variety of variables where gender and the related stereotypes strongly affect evaluations of leaders even though personality can play a significantly greater role.

## 6. SUMMARY

The crucial condition necessary for an organisation to succeed is the quality of management understood as its effectiveness in achieving the company's goals. Therefore, both theoretical considerations and empirical research in this area include searching for such traits of leaders that increase the chances for effective implementation of this scenario. However, in the business world there are many stereotypes related directly to the gender of

leaders and thereby to the way of fulfilling managerial roles. In order to increase the effectiveness of modern organisations, the inclusion of gender management in the wider area of diversity management will soon become a necessity due to the increasing number of women in the labour market and the changing career paradigms. This is likely to weaken gender stereotypes and their impact on the perceptions of leaders while it is their effectiveness in implementing the diverse tasks facing the organisation that will become crucial.

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