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Role of the local government in the cross-border and interregional cooperation between Poland and Ukraine

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Role of the local government in the cross-border and interregional cooperation between Poland and Ukraine

The article deals with the role of the local government in the cross-border and interregional cooperation between Poland and Ukraine. The data represent reliable legal framework for the development of cross-border cooperation at the regional and local levels. The legal basis for the cross-border cooperation in Ukraine is the Constitution of Ukraine, international treaties of Ukraine regulating relations in this area ratified by the Verkhovna Rada of Ukraine, and the Law of Ukraine „On the cross-border cooperation”. International cooperation of local communities legally issued in the form of the treaties and agreements. Ukrainian-Polish economic cooperation is regulated by the Treaty between Ukraine and Poland on neighbourliness, friendly relations and cooperation from May 18, 1992.

The article considers the development of the cross-border and interregional cooperation between Poland and Ukraine. Ukraine is a member and participates in 10 European regions; the most effective ones are „Bug” and „Carpathian” Euroregions, created on the Ukrainian-Polish border. It should be noted that in addition to cross-border cooperation Ukraine develops interregional cooperation, which is an important component of the strategic partnership between Ukraine and European countries, effective means of European integration of Ukraine, as well as a practical mechanism to implement European standards at the regional and local levels. Today there are about 450 treaties on interregional coop-

eration between Ukraine and Poland signed at the regional and local levels.

In conclusion I emphasize that the implementation of cross-border and interregional cooperation between Ukraine and Poland has significant potential to be improved. We stress that an effective tool to strengthen the role and improve the efficiency of local authorities in sphere of the cross-border cooperation is to boost the cooperation of Ukrainian oblasts, districts, towns and villages with their foreign partner regions based on realization of the treaties that are signed in previous years and to sign new agreements. These measures will lead to increase of significance and the role of local authorities in cross-border cooperation and facilitate its revitalization and development according to European standards.

I. Legal framework of the cross-border and interregional cooperation between Poland and Ukraine

The term „cross-border cooperation” in scientific literature is characterized as the territories of intensive cross-border cooperation in all spheres. These territories mean the total border areas of two or more neighbouring countries with high present or prospective potential for cross-border cooperation¹. It concerns the economic processes that have developed intensively under the influence of international economic integration. With the expansion and deepening of the economic cooperation of the European countries, the border regions increasingly become contact zones of the national economies. A variety of relationships are supported and developed in the system of the cross-border cooperation, they are: trade, economic, cultural, scientific ties, tourism, et. al. There are four stages in the regional cooperation: establishing new and re-establishment of existing partnerships in the region; definition of the development strategy; working-out and

¹ Stechenko D. M. Rozmishchennia produktyvnyh syl i regionalistyka: Pidruchnyk / D. M. Stechenko. – K.: Vikar, 2006. – 396 s.

provision of the development programs; creation of the free economic zones. Collaboration is supported by legal framework. The establishment of the form „Euroregion” and adoption of the Madrid Convention (1980)² created a reliable legal foundation for the development of the cross-border cooperation at the regional and local levels.

The legal basis for the cross-border cooperation in Ukraine is the Constitution of Ukraine, international treaties of Ukraine, that regulate relations in this area, ratified by the Verkhovna Rada of Ukraine and the Law of Ukraine „On the cross-border cooperation”³.

Let’s consider the international treaties of Ukraine, which regulate cross-border cooperation, and analyse the extent of its implementation into national law. Local authorities’ right on freedom of association is enshrined by Article 10 of the European Charter of Local Self-Government⁴. Its content obliges each contracting state to recognize the right of local governments to cooperate with the local authorities of other countries, and right to create consortia and associations with them. This rule of the law also defines the objectives of such cooperation: to cooperate in exercising their powers, to carry out tasks of common interest, and protection and promotion of the general common of local authorities. Terms of such cooperation may be determined by the domestic legislation. The relevant provision is ensured by the article 15 of the Law of Ukraine „On Local Self-Government in Ukraine”⁵, according to it local government for the purpose to ex-

² Pro pryednannia Ukrainy do Yevropejskoi ramkovoyi konvenciyi pro transkordonne spivrobitnyctvo mizh terytorialnymy obshchynamy abo vlastyamy: Postanova Verkhovnoyi Rady Ukrainy vid 14 lyp. 1993 r. # 3384-XII // Vidom. Verkhovnoi Rady Ukrainy. – 1993. – # 36. – St. 370.

³ Pro transkordonne spivrobitnyctvo: Zakon Ukrainy vid 24 trav. 2004 r. # 1861-IV. Access: zakon4.rada.gov.ua/laws/show/1861-15.

⁴ European Charter of Local Self-Government, Strasbourg, 15.X.1985. Access: <http://conventions.coe.int/Treaty/en/Treaties/Html/122.htm>

⁵ Zakon Ukrainy „Pro misceve samovryaduvannia v Ukraini” vid 21 travnia 1997 roku // Vidomosti Verkhovnoi Rady Ukrainy. – 1997. – # 24. – S. 170.

ercise their powers more effectively, to protect rights and interests of local communities can form the associations of local authorities and voluntary unions. Formed associations are prohibited to take the powers of local governments. Moreover, the law provides local governments as well as their unions with the right to belong to an international association sign in the relevant international associations and organizations. The adoption of this regulation established a legislative process of legalizing cross-border cooperation, because until that moment the local councils hadn't had an international legal personality. Further regimentation of the procedure of establishment of associations and municipal organisations are given by the Law of Ukraine „On Associations of Local Self-Government”⁶. In addition, the law provides the interaction of the associations with the public authorities in the development and implementation of the state policy in the field of local and regional development in order to harmonize national, regional and local interests.

International cooperation of local communities is legally formalized in treaties and agreements. Created associations may establish their own local rules provided by the Statutes. International cooperation of local authorities is a complex phenomenon that is regulated by national law, public international law and international private law (in case when the bodies of local self-government enter into civil law relations that are complicated by the foreign issues)⁷.

The legal system of Ukrainian-Polish economic cooperation was established on the basis of the Treaty between Ukraine and Poland on Good-Neighbourliness, Friendly Relations and Cooperation from May 18, 1992. The document noted that the two coun-

⁶ Zakon Ukrainy „Pro asociacii organiv miscevogo samovryaduvannia” vid 16 kvitnia 2009 roku // Vidomosti Verkhovnoi Rady Ukrainy. -2009. - # 38. - S. 534.

⁷ Krylov Yu. V., Bajmuratov M.A. Osobennosti stanovleniya mezhdunarodnoj pravosubiektnosti mestnyh organov gosudarstvennoj vlasti // Yurydicheskij vestnik. - 1996. - # 3. - S. 63-66.

tries will promote establishment and development of communication and cooperation between regions, administrative-territorial units and cities of Ukraine and Poland. Cross-border cooperation is in particular focus⁸.

II. Development of the cross-border and interregional cooperation between Poland and Ukraine

On the basis of this Treaty, the real cooperation in economic and humanitarian spheres between different Ukrainian and Polish cities, districts and counties started. In December 1994 the City Council of Przemyśl approved a cooperation agreement with Lviv, and in June 1995 signed the treaty. The agreement on cooperation between Przemyśl and Kamianets-Podilsky in the spheres of culture, education, sports, local government and economy was signed in 1997. The cities Lublin and Lugansk, Lviv and Krakow collaborate with each other. Regional state administrations prove that cooperation is implemented more effectively in specific projects via joint ventures, mutual establishing of the trading houses, cultural and other events that is demonstrated by the wide cooperation experience between the twin cities. At the same time contacts between border powiats and districts began to develop. The result of the cooperation between Ustrzycki Powiat and Starosambirsk District was the opening of the railway crossing point Krościenko-Smilnytsia in 1994, and in June 1998 Gmina Ustrzyki Dolne and Starosambirsk District Council signed a protocol on bilateral cooperation. By 1999 68 agreements on regional cooperation had been signed between regions of Ukraine and provinces of Republic of Poland. Only in 1997 the Cooperation Agreements were signed by Sumy and Dnipropetrovsk regions with Rzeszow Voivodeship, Ternopil Region with Tsehanovsk Voivodeship. The

⁸ Dogovor mizh Ukrainoiu i Respublikoiu Polshcheiu pro dobrosusidstvo, druzhni vidnosyny i spivrobotnyctvo: Dogovor ratyfikovano Postanovoiu Verkhovnoi Rady vid 17 veres. 1992 r. # 2611-XII. – Access: zakon2.rada.gov.ua/laws/show/616_172.

signing of these documents proved the fact that the individual contacts between regional authorities of both countries were transformed into organized and sustained cooperation.

It is worth to give an example of cooperation at the local level, it could be the start of elaboration of the project „Support of the Socio-Economic Transformation in the Border Territories of Poland and Ukraine” (July 2002). Its concept was developed by the Department of Economics of Rzeszów University. Project partners were the Regional Centre of Agricultural Advising in Boguchow and Society of Support Changes in Polish Agriculture, Club of Integration with Agricultural Europe in Rzeszów from Polish side, and Lviv Agricultural University from Ukraine. The project was approved by Organization PAUCI (Poland-America-Ukraine Cooperation Initiative), which financed it. The lab-workshop to explore multifunctional development of rural districts, revitalization of society in favour of local development, agri-business and cross-border cooperation were organized within this project. The program „Poland – Ukraine: Together We Reach the Goal”, which was also funded by PAUCI is another example of close bilateral cooperation. From the Polish side, this project was implemented by Centre for Entrepreneurship (Sandomierz), and from Ukrainian – by Foundation „Unity” (Chernihiv). The aim of the program is encourage and improvement of local government in five selected districts of Chernihiv region.

On the basis of the legal framework Ukraine takes part in 10 European regions, the most effective ones are the Euroregions „Bug” and „Carpathian”, which operate on the Ukrainian-Polish border. They are the important centres of intensification and development of the cross-border cooperation. Euroregion „Carpathian” operates on the basis of the Declaration on Cooperation of communities living in the Carpathian region, and the regulations of the Interregional Association „Carpathian Euroregion”, which was signed February 14, 1993 in Debrecen (Hungary) by ministers of Foreign Affairs of Ukraine, Poland and Hungary. Activity of the Euroregion „Bug” is regulated by the Agreement on Estab-

lishment of Trans-border Association „Euroregion Bug”, signed on September 29, 1995 in the Lutsk (Ukraine) by Volyn Oblast and Lublin Voivodeship, Chełm Voivodeship, Tarnobrzeg Voivodeship, Zamość Voivodeship (before administration reform of 1999 in Poland).

Euroregion is a transnational co-operation structure established for the purpose of cross-border cooperation at the regional and local levels. It is characterized by cooperation of industrial partners and different organizations.

Joining the European region is voluntary. Perspectives of economic benefits have most influence on decision-making. Cooperation in the fields of science and culture is also important. The expectations of investment, the introduction of preferential taxes, etc. play the significant role. Most essential from the standpoint of European integration is mutual understanding between certain areas and creating more favourable conditions of living. There are more than 90 European regions in Western and Central Europe⁹.

It should be noted that besides cross-border cooperation there is interregional cooperation which has been recently developing. It is an important component of the strategic partnership between Ukraine and European countries, effective means of European integration of Ukraine, as well as a practical mechanism to implement European standards at the regional and local levels.

Ukrainian-Polish interregional cooperation is developed in several areas. At the level of central public authorities of the two countries it is coordinated by the Ukrainian Ministries: Ministry of Foreign Affairs, Ministry of Economic Development and Trade, and the Ministry of Regional Development, Construction and Housing, from the Polish side by the Ministry of Internal Affairs, Ministry of Regional Development and Ministry of Foreign Affairs.

⁹ Stechenko D. M. Rozmishhennya produktyvnykh syl i regionalistyka: Pidruchnyk / D. M. Stechenko. – K.: Vikar, 2006. – 396 s.

To solve the key issues of Ukrainian-Polish interregional cooperation at the intergovernmental level the institutional mechanism was established, the Ukrainian-Polish Intergovernmental Coordination Council for Interregional Cooperation was created. The Council makes decisions on the topic issues of the regional cooperation, defines the general principles and main directions of its development, provides the competent authorities of Ukraine and Poland different proposals, develops the joint programs and activities aimed at the development of interregional cooperation and generally coordinates inter-regional cooperation in Ukrainian regions and Polish voivodeships. The Council composed of the Committee on checkpoints and border infrastructure, Committee for spatial planning and Committee on cross-border cooperation. Council meetings are held once a year and sittings of committees are usually organized twice a year.

Basic document for the Polish-Ukrainian interregional cooperation is the Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on interregional cooperation, signed on 24 May 1993¹⁰. This international treaty established legal principles of cooperation between local authorities and local governments of Ukraine and Poland, particularly in the economic, cultural, humanitarian, educational and tourist areas.

Today, Ukraine has the most developed network of interregional cooperation with Poland. Almost all regions of Ukraine and voivodeships of Poland signed agreements on inter-regional cooperation. All 16 provinces of Poland have got a partner in Ukraine at the regional level. Most Ukrainian partners have Subcarpathian, Lublin, Łódź, Silesian and Mazovian Voivodeships. From Ukrainian side Lviv, Odessa, Ivano-Frankivsk, Vinnytsia and Volyn Oblasts have most Polish partners.

¹⁰ Uгода mizh Uriadom Ukrainy ta Uriadom Respubliki Polshcha pro mizhregionalne spivrobotnyctvo: Mizhnarodnyj dokument vid 24 trav. 1993 r. – Access: zakon4.rada.gov.ua/laws/show/616_171.

The process of signing the bilateral partnership agreements at the level of cities, districts and settlements from Ukraine and cities, powiats and gminas from Poland tends to increase. Currently there are about 450 agreements on interregional cooperation signed at the regional and local levels between Ukraine and Poland¹¹.

III. Conclusions and further recommendations

However, despite on the certain achievements, the implementation of cross-border and interregional cooperation between Ukraine and Poland has significant potential for improvement. First, it is important to establish an effective system of communication between the regional administrations, regional councils, district administrations, district councils, city councils and their executive bodies, as well as rural communities in order to develop common positions on regional development strategy and its specific aspects, including cross-border cooperation. The main tools are regular on-site meetings and round tables, discussion of issues of establishment and functioning of the working groups. It should be emphasized on collegiate participation in such activities of all partners, that would allow to eliminate a hierarchical component as one of the biggest disadvantage in current cooperation between local authorities (oblast structures govern the districts, districts communicate with local authorities in an administrative way).

An important direction of the intensification of cooperation of regional authorities with district, city and settlement bodies is the training and educational projects, internships of the servants at the district level in the departments and units of regional state administrations and establishment of regular programs of training and professional development on cross-border cooperation and international economic activity of the regions (preparation of in-

¹¹ Mizhregionalne spivrobitnyctvo mizh Ukrainoiu ta Polshcheiu. – Access: www.poland.mfa.gov.ua/ua/ukraine-pl/regions.

vestment proposals, cooperation with investors, preparation of the technical documentation for participation in EU-funded projects, etc.).

In order to enhance the cross-border cooperation at the regional level it is essential to increase the number of communication events (conferences, workshops, seminars, public hearings, debates, discussions, etc.) with the participation of the representatives of public authorities, business and civil society, including academic community. However, there is also a very important to provide equal-partnership of all parties in preparation, organization and implementation of these activities.

Furthermore we should consider the positive impact of economic forums and investment fairs on the development of cross-border cooperation. Representatives of different countries are invited to participate in the system of cross-border cooperation. However, to improve the effectiveness of these events, they should be coordinated and carried out under permanently acting qualified organizing committee, which will provide the better organization (through professional specialization) and coordination of the interests of all participants (it will represent the interests of all parties: the public, government and business).

There are also possibilities to increase the efficiency of local authorities on cross-border cooperation on the basis of the revitalization and improvement of the quality of competency and advocacy. In particular, more attention should be paid to dissemination of the results of successful implementation of cross-border projects about solving the problems of local communities in border areas, as well as discussion of current problems in these areas in local media, especially in the regional television and radio programs.

An important direction of the information work of local authorities on cross-border cooperation is creation of a quality product with a marketing presentation of the major cultural, historical, tourism and investment opportunities of the region, placed

on Internet pages and distributed through other promotional channels.

For this purpose, it is advisable to deepen cooperation between regional state administrations and consular offices of Ukraine abroad and of neighbouring countries on Ukrainian border areas. At first, regular business meetings, engaging business and academia, non-governmental organizations should be organized. Moreover, it is necessary to start up the consulting activities for making important decisions on intensification of the cross-border cooperation, as well as discussing of the ways of solving existing problems in this area (for example, visa issuance).

An equally important, though more difficult is the way of collaborative activities of local authorities, aimed at developing cross-border cooperation, with relevant ministries and agencies, therefore in terms of legislative activity. Regional state administrations and local authorities, which are involved in cross-border cooperation should actively make proposals and develop draft legal acts related to the activation of proper processes, by decentralization of power and improvement of the European regions work efficiency.

We found out that an effective tool to strengthen the role and improve the efficiency of local authorities in the trans-border sphere is enhancing the cooperation of Ukrainian oblasts, districts, towns and villages with their foreign partner regions based on realization of the treaties that were previously signed as well as the signing of new agreements. This process should be deprived of its inherent formalism, and each of the agreements must be accompanied by the strict executive control protocol to perform all of its regulations and terms¹².

These measures will lead to increase of significance and the role of local authorities in cross-border cooperation and facilitate

¹² Problemy rozvytku transkordonnogo spivrobitnyctva Ukrainy v umovach rozshyrenogo EU: Monografia / Za red. d.e.n., prof. N. Mikuly, k.e.n., doc. V. Borshchevskogo, k.e.n. T. Vasylciva. – Lviv: Liga Pres, 2009. – 436 s.

its development and adjusting approaching to European standards.

STRESZCZENIE

Rola samorządu we współpracy transgranicznej i międzyregionalnej między Polską i Ukrainą

Artykuł zajmuje się rolą samorządu we współpracy transgranicznej i międzyregionalnej między Polską i Ukrainą. Dane reprezentują rzetelną strukturę prawną dla rozwoju transgranicznej współpracy na poziomie regionalnym i lokalnym. Podstawą prawną transgranicznej współpracy na Ukrainie jest Konstytucja Ukrainy, międzynarodowe traktaty Ukrainy regulujące stosunki w tej dziedzinie ratyfikowane przez Radę Najwyższą Ukrainy, oraz Prawo Ukrainy „O współpracy transgranicznej”. Międzynarodowa współpraca lokalnych społeczności jest regulowana prawnie wydanymi przepisami w postaci traktatów i porozumień. Ukraińsko-polska współpraca gospodarcza jest regulowana Traktatem między Ukrainą i Polską o sąsiedzkich, przyjaznych stosunkach i współpracy z 18 maja 1992.

Artykuł rozważa rozwój transgranicznej i międzyregionalnej współpracy między Polską i Ukrainą. Ukraina jest członkiem i uczestniczy w 10 europejskich regionach; najbardziej skuteczne to Euroregiony „Bug” i „Karpacki”, utworzone na granicy ukraińsko-polskiej. Należy zauważyć, że poza współpracą transgraniczną Ukraina rozwija współpracę międzyregionalną, co jest istotnym składnikiem strategicznego partnerstwa między Ukrainą i państwami europejskimi, skutecznym środkiem integracji europejskiej Ukrainy, a także praktycznym mechanizmem wprowadzania w życie europejskich standardów na poziomie regionalnym i lokalnym. Obecnie istnieje 450 traktatów o międzyregionalnej współpracy między Ukrainą i Polską podpisanych na poziomie regionalnym i lokalnym.

Na zakończenie podkreślam, że wprowadzenie w życie transgranicznej i międzyregionalnej współpracy między Ukrainą i Polską ma istotny potencjał, aby ulec poprawie. Kładziemy nacisk na to, że skutecznym narzędziem wzmocnienia roli i polepszenia skuteczności władz lokalnych w sferze współpracy transgranicznej jest zwiększenie współpracy ukraińskich obwodów, rejonów, miast i wsi ze swoimi partner-

skimi regionami za granicą w oparciu o realizację traktatów podpisanych w poprzednich latach oraz podpisanie nowych porozumień. Te środki doprowadzą do wzrostu znaczenia i roli władz lokalnych we współpracy transgranicznej i ułatwią rewitalizację oraz rozwój zgodnie z europejskimi standardami.