

**CROSS-BORDER COOPERATION OF SUBCARPATHIAN
VOIVODSHIP**

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ABSTRACT

EU integration has set challenges for the regions in the Eastern Poland, especially in the field of economic development to minimize internal differences on the one site, but also it needed to improve the new methods of cooperation between the public entities located in the border area on the field of public tasks. Podkarpackie Voivodship in Poland is the one of the regions in which you recorded the lowest indexes of development. The tool to improve the situation is appropriate development planning taking into account the potential of location and cross-border cooperation.

The article presents the legal basis and real course of the cross-border cooperation in Podkarpackie Voivodship. Formal possibilities are the associations and others contractual forms permitted under national law. Regional authorities use all available instruments including the financial support from EU programs. Effectiveness of this activity is changed and is subject of various restriction. One of the most important changes, positive, is the assumption of the territorial allocation of funds dedicated to support areas located on the eastern border of EU in the perspective 2014-2020 and inclusion of cooperation in a number of development priorities set out in strategic documents.

Key words: Podkarpackie Voivodship's cross-border cooperation, strategic documents, chances and limits of regional development.

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INTRODUCTION

The administration conditions nowadays, especially in the reality shaped by the challenges of the EU integration, interpenetration of systems and levels of public management, sharing policies, equalization of potentials, elimination of disparities, and particularly shifting the convergence burden towards the East, cause the necessity of identifying and activating new areas of public tasks on the one hand, but also all these factors impose the need of activating untapped potential of administrative units, which often becomes possible due to combining potentials and identifying common objectives. Such activity falls within the category of the cooperation between local government units, which – intrinsically – catalyses the capabilities of implementing projects that were marginalized until now, or projects for which there was no vital need to implement them.

This stems from the essence of administrative actions, not in the ruling forms – but the reciprocal ones¹. Equivalence between cooperating public entities eliminates the existence of governance towards the other entity, therefore any public authority, when taking up activities, first of all: does not execute a particular legal principle that requires acting and acting in a specific form, but it shapes the content of relation – based rather on the solutions characteristic for civil law – administrative arrangement/administrative agreement, where without the element of domination – one voluntarily proceeds to specifying the objective and the way of its achieving in cooperation with the other entity².

¹ Joanna Wyporska-Frankiewicz, *Publicznoprawne formy działania administracji o charakterze dwustronnym*, Warsaw 2010, pp. 62-63.

² The essence of cooperation as beyond organisational legal bond is discussed by Jan Łukasiewicz, *Zarys nauki administracji*, Warsaw 2005, p. 240, Zbigniew Cieślak (ed.), *Nauka administracji*, Warsaw 2012, p. 29.

By implementing, among others, the proposal of independence for local government units, the legislator did not restrict the possibility of starting cooperation solely to the national public law entities. Chapter 6 of the Act of June 5, 1998 about the voivodship self-government³ was devoted to regulating the rules of establishing international cooperation by the voivodship self-government. Firstly: it is allowed to cooperate with regional communities of other countries (in accordance with the country's domestic law, its foreign policy and international obligations) regarding the performance of the voivodship's tasks and within the limits of its competence. Secondly – a voivodship is allowed to participate in international associations of regional institutions and to represent its interests. Cooperation ought to take place after the adoption of a resolution concerning identification of the international cooperation's priorities, which is the only competence of the voivodship assembly⁴. The resolution ought to contain the main objectives, geographical priorities, as well as plans concerning the voivodship's joining international associations⁵.

The voivodship self-government's joining international associations is subject to further detailed resolution, regulated by a separate act from September 15, 2000, concerning the terms of joining international associations of local and regional communities by local government units⁶. The regulation introduces a general principle of freedom for local government units to join organisations, unions, or associations established by local communities from at least two countries, which are formed under national law⁷. However, this principle is subject to restrictions. One of them is the compliance of such an action with the Polish law, the country's foreign policy and the country's international obligations, compliance with the

³ Consolidated text: Journal of Laws from 2016, item 486.

⁴ Ibidem, art. 18, item 13.

⁵ Ibidem, art. 75.

⁶ Journal of Laws from 2000, No. 19, item 1009 as amended.

⁷ For more information see: Paweł Chmielnicki, *Akty nadzoru nad współpracą międzynarodową jednostek samorządu terytorialnego*, [in:] *Akty nadzoru nad działalnością samorządu terytorialnego w Polsce*, Warsaw 2006, monografie lex.

previously adopted priorities of self-government voivodship's international cooperation, and acting within the framework of its own tasks and competence. Another restriction is the prohibition of delegating public tasks to another public entity, or transferring real property or incorporeal property right which a given unit is entitled to⁸.

Another restriction for the accession is the procedure set by the act. Firstly, the accession may take place after the acceptance of a resolution in this matter by minister of foreign affairs, for which there is a requirement to obtain absolute majority of statutory commission's votes⁹. The resolution enters into force only after obtaining the minister's acceptance, given in the form of an administrative decision (or it does not enter into force, in case of a negative decision). The self-government's request for consent, which is forwarded by the voivode, ought to have the following documents attached:

- the association's statutes, or other document specifying the rules if its activity,
- a list of members,
- official translation of the documents mentioned above into Polish, and
- priorities of the voivodship's international cooperation¹⁰.

For his or her part, the voivode attaches their opinion on this matter to the request.

The minister's consent has all the characteristics of a revision act that is preventive towards the voivodship assembly's respective resolution¹¹. While the matter of consent to membership is being considered, self-governmental bodies are obliged to abstain from actions related to the membership, including taking any actions within the association. Whereas in case of refusing consent to further membership, which is dependent on e.g. the occurrence of a discrepancy between the objectives of the country's foreign policy in order to proceed with the international association of local or regional communities, the minister of foreign affairs may withdraw his or

⁸ Journal of Laws from 2000, No. 19, item 1009 as amended, art.3.

⁹ Ibidem, art. 4, § 1-2.

¹⁰ Ibidem, art.4, § 4.

¹¹ Paweł Chmielnicki, op. cit.

her consent. In such case, the voivodship self-government's (or any other local government's unit) leaving procedure must be initiated, which is provided by the statutes of the international association¹².

Another factor restricting the freedom of joining international associations of local and regional communities by voivodship self-government is introducing the disclosure obligation. The fact that a local government unit joins such an association, must be immediately and mandatorily reported to: the territorially competent voivode, the competent minister in charge of administration, the competent minister in charge of regional development, the competent minister in charge of foreign affairs. Along with the information, the executive body shall submit to the authorities mentioned above the documents which are the evidence of membership in an international association, together with an official translation¹³.

The competent minister in charge of public administration, by means of a notice published in the official gazette *Monitor Polski*, publishes the list of local government units, which in the previous year joined or left such associations¹⁴.

THE COOPERATION OF SUBCARPATHIAN VOIVODSHIP UNTIL 2014

Initially, the basis for setting priorities of a voivodship's local self-government's international cooperation were the resolutions adopted by regional council still in 1999, which due to change of conditions, especially by Poland's joining the EU, were subject to changes. In this respect, the first resolution was adopted on June 29, 1999, and amended on January 25, 2008, as a result of establishing the Operational Programme Development of Eastern Poland¹⁵.

¹² Journal of Laws from 2000, No. 19, item 1009 as amended, art. 10.

¹³ *Ibidem*, art.6.

¹⁴ *Ibidem*, art. 9.

¹⁵ Wojciech Tomasz Modzelewski, *Priorytety współpracy zagranicznej województwa warmińsko-mazurskiego na tle pozostałych regionów Polski wschodniej*, [in:] *Europa Regionum*, 2014, volume XIX, p. 34.

The basic document which sets the current international cooperation of Subcarpathian voivodship's self-government is the resolution of the Subcarpathian regional council No. XLIII/811/10 from February 24, 2010 on adoption of „Priorities of international cooperation of Subcarpathian voivodship”. This cooperation is complemented by the regional policy relating to the cooperation with foreign partners. The overall aim of actions in this area is implementing the policy of balanced development, economic activation, equalizing differences regarding the determined levels of the regions' potential, with respect to least-developed EU countries, as well as intensification of actions aiming at raising the level of funds uptake from the EU budget for that purpose¹⁶. Developing cooperation objectives reflects the assumptions of the development strategy adopted for the years 2007-2020. Obviously, these objectives are consistent with regional policy of the Polish state.

The analysis of reference documents shows that international cooperation of voivodship self-government was defined with respect to three main levels:

- regional of an external nature – which includes the regional authorities' actions related to further maintenance of established international contacts, as well as actions that constitute the formal and legal basis for establishing new contacts. This includes, among others, signing letters of intent that initiate the cooperation with regional partners from other countries, conclusion of inter-regional cooperation agreements, or signing implementing protocols for the existing agreements.

Activities in this field also include establishing cooperation with Polish diplomatic authorities and departments of trade and promotion sections of other countries' representatives in Poland, in order to organize economic missions and promotional activities for the benefit of the voivodship and for the benefit of profitable economic cooperation.

¹⁶ More broadly: Agata Barczewska-Dziobek, *Współdziałanie podkarpackiej administracji samorządowej z instytucjami publicznymi na Ukrainie*, [in:] *Internacjonalizacja administracji publicznej*, (ed.) Zbigniew Czarnik, Jerzy Postuszny, Ludwik Żukowski, Warsaw 2015, p. 488. Por. Małgorzata Langiewicz, Wojciech Goleman (ed.), *Wspólna Polsko-Ukraińska strategia współpracy transgranicznej. Lubelskie, Podkarpackie, Wołyńskie, Lwowskie. 2005-2015. Razem ku przyszłości*, Lublin 2005, p.15.

Another level – local government of an internal nature, which includes organizing a cooperation network between other local government units on the territory of Subcarpathian voivodship, working in order to achieve mutual benefits from international cooperation. It may be clearly stated that the indirect objective will be to homologize the objectives along with maintaining the diversification of forms of collaboration within the region.

The final level – economic – includes establishing cooperation with organisations supporting business and economic self-government on supporting foreign economic missions, participation in international trade fairs and other events of promotional nature. On this level of cooperation, there will also be other activities conducted, which will include help in establishing contacts with foreign business-related institutions.

Under these assumptions, the main objectives were set for foreign cooperation, i.e. developing direct contacts between Subcarpathian voivodship and other countries' regions, especially those neighbouring the voivodship by regions of the Slovak Republic and Ukraine; establishing and developing contacts with institutions of European Communities through organising and functioning of a regional office in Brussels, and undertaking actions aiming at the collective use of the EU funds. Such way of setting the cooperation objectives were supposed to contribute to economic growth, strengthening the voivodship's competitiveness and the standard of living for its inhabitants, and socially - to developing contacts between people.

Geographical priorities for the future cooperation, defined in the resolution, at the same time resulting from the regional development policy, include the development of further cooperation and good neighbourly relations within the signed agreements (this relates especially to the relations with the Slovak Republic and Ukraine), but also to the development of cooperation with regions of EU countries (the Republic of Austria, the Czech Republic, the French Republic, the Hellenic Republic, the Federal Republic of Germany, the Portuguese Republic, Romania, the Republic of Hungary and Italy).

Additionally, within the framework of foreign cooperation reaching beyond the borders of the European Community – geographical priorities for the future cooperation include developing cooperation with the Russian Federation, Georgia and the regions of Central and Eastern Asia, as

well as establishing cooperation with Polish communities, especially in the United States of America¹⁷.

Implementation of the assumptions of the collaboration undertaken on the basis of the Act from September 15, 2000 on the terms of local government units' joining international local and regional associations, resulted at that time in voivodship self-government's joining the Interregional Union „Carpathian Euroregion”¹⁸ and the Network of Eastern External Border Regions NEEBOR¹⁹.

VISION OF COOPERATION FOR THE YEARS 2014-2020

The assessment of the foreign cooperation priorities and objectives related to the implementation of the signed agreements, or projects resulting from the membership in international associations of local and regional communities, and finally the assessment of the implementation of Subcarpathian voivodship development strategy for the years 2007-2020 adopted by the resolution from 2006, tend to formulate negative conclusions. According to the authors' opinion which they included in their report²⁰:

¹⁷ http://www.wrota.podkarpackie.pl/pl/gospodarka/prior_wsp/prior_wsp.

¹⁸ List of the members of the Carpathian Euroregion Polish Section, http://www.karpacki.pl/gfx/karpacki/pl/defaultopisy/74/12/1/lista_czlonkow_sekp_-_11.10.2013.pdf. More about the euroregions as forms of cooperation was discussed by e.g. Grzegorz Ślusarz, *Potrzeby i możliwości rozwoju współpracy transgranicznej na przykładzie Podkarpacia*, [in:] *Spójność społeczno-ekonomiczna regionów transgranicznych*, (ed.) Michał Gabriel Woźniak, Rzeszów, 2008, p. 63.

¹⁹ Notice of the Minister of Internal Affairs and Administration from December 30, 2010, on the list of local government units which joined international associations of local and regional communities in the period between January 1, 2006 and December 31, 2009, and the list of local government units which participated in international associations of local and regional communities in the period between January 1, 2006 and December 31, 2009, as well as the list of local government units which left international associations of local and regional communities in the period between January 1, 2006 and December 31, 2009, M.P. 2011, No. 3, item 38.

²⁰ The assessment of the implementation and validity of objectives and development priorities of the development strategy of Subcarpathian voivodship for the years 2007-2020

the actions resulting from the adopted assumptions were taken, as a rule, however their scale and significance were not big enough for visible effects to be noticed. Moreover, what raised doubts was increasing the tasks in the area of local government's international cooperation to the position of strategic objectives²¹.

The updated Development of the Subcarpathian Voivodship for the years 2014-2020 does not include any records related directly to the voivodship's cross-border cooperation, making it rather a tool for implementing thematically defined strategic objectives. It is a synergic development of many assumptions scheduled in the country's strategic documents, especially the National Regional Development Strategy 2010-2020 Regions, Cities, Rural Areas (the "KSRR")²².

From the point of view of the Subcarpathian voivodship's development, what becomes particularly important is the KSRR strategic objective, related to overcoming inconveniences resulting from the position of the border areas, especially the areas along the external borders of the EU, as well as creating transport links with regional centres from the areas with the lowest accessibility²³. Taking into account that Subcarpathian voivodship, being one of Poland's eastern regions characterised by the lowest rate of economic development – it still remains within the scope of interest of the country's regional policy, because of the urgent need to catch up on the developmental delays and because of the necessity of intensifying the actions that would energize its further development, in order to achieve the assumed social, economic and spatial cohesion within the country.

One of the key potentials identified in the SWOT analysis which was done for the development strategy of the voivodship is, among others:

in the context of new tasks and challenges of the country's and European Union's development policy. The final report, Andrzej Reguński (ed), Warsaw 2012, p. 241n. and 308.

²¹ Development Strategy of the Subcarpathian Voivodship, Appendix No. 1 to the Resolution No. XXXVII/697/13 of the Subcarpathian Regional Assembly from August 26, 2013, pp.5-6.

²² Adopted by the Council of Ministers on July 13, 2010 http://www.mrr.gov.pl/rozwoj_regionalny/polityka_regionalna/ksrr_2010_2020/Strony/default.aspx.

²³ According to KSRR, the following counties in the Subcarpathian voivodship have the worst situation: Lesko, Bieszczady; the situation is slightly better, though still bad, in the following counties: Sanok and Przemyśl.

- near-border location in the area of the Carpathian Euroregion (within the strategic objective: Competitive and innovative economy),
- well-formed structures and good practices of cross-border cooperation of local communities within the Carpathian Euroregion, on the basis of EU cross-border cooperation and international cooperation, including cross-border cooperation in the area of culture, education and health care (within the strategic objective: Human and social capital),
- development of economic connections, as well as economic and social partnerships of sub-regional cities with centres in Ukraine and Slovakia (within the strategic objective: settlement network),
- functioning of cross-border, international „East Carpathian” Biosphere Reserve and enhancing cooperation within the framework of the Carpathian Euroregion in the area of programming the activities and preparing documents of strategic nature (within the strategic objective: Environment and power industry)²⁴.

The above implies that geographical location and established collaboration within the framework of partnership with foreign entities, constitute a specific potential and a basis for the development of further activities that have detailed character for both regional authorities, and other particular and engaged local government units from the region, whose overall objective in the perspective until 2020 ought to be the reduction of disparities in the development and – basing on the cross-border location – making Subcarpathia the leader among other regions of Eastern Poland.

One of the tools for implementing of thus defined strategic vision is the Cross-Border Cooperation Programme INTERREG V-A Poland-Slovakia²⁵, which is a continuation of the cross-border cooperation programme The Republic of Poland – The Slovak Republic in the years 2007-2013. Experience in implementing the instruments of financial support

²⁴ Development Strategy for the Subcarpathian Voivodship 2020, <http://www.rpo.podkarpackie.pl/index.php/dokumenty-strategiczne/285-strategia-rozwoju-wojewodztwa-podkarpackie-2020>, pp.12-16.

²⁵ <https://pl.plsk.eu/documents/15954/42265/Uproszczona+wersja+programu+Interreg+V-A+Polska-S%5C%82owacja.pdf/c842c51c-ad97-4223-8756-fa09da9cc086>.

for the border areas resulted in establishing many partnerships between local government units located in the area covered by the programme's impact, especially on the development of tourism, conservation of cultural and natural heritage. The thematic concentration of projects implemented within the framework of cross-border partnership constituted a starting point of the programming of the areas of support in the new perspective. Thus, the current version will promote those projects which fulfil a specific role in developing and protecting the natural and cultural heritage in the border area, in correlation with the objectives resulting from other strategic documents²⁶, like for example the development of transport infrastructure and the improvement of communication accessibility within the region²⁷.

CONCLUSION

Taking into account the development performance indicators of the outermost regions, located at the Eastern border of the European Community, Subcarpathian voivodship is characterised by significant variance from the average set for the region according to the NUTS II classification. However, the regional self-government's actions taken so far, especially the correct identification of the areas requiring investment support, allows to conclude that the region's developmental potential is used in the correct way. Although, it is necessary to take into account that the geographical location and the proximity to the eastern and southern border which is a source of economic growth, ought to be identified also as a threat, especially in the context of the neighbourhood of Ukraine, which on the one

²⁶ This applies to the correlation and consistency with the European Union Strategy for the Baltic Sea Region and the European Union Strategy for the Danube Region.

²⁷ The Interreg Programme for Central Europe, specifically designed for this process, approved by the European Commission on December 16, 2014, as the first transnational program in the perspective of 2014-2020 in support of the implementation of cohesion policy, whose aim was to support transnational projects contributing to implementing intelligent solutions that constitute a response to regional challenges in the areas of innovation, low-carbon economy, environment, culture and transport., <https://europasrodkowa.gov.pl/interregce>.

hand is more and more attractive market that transfers goods and thought, and on the other hand – a destination point for investments, because of less stringent requirements concerning environmental protection and changes related to Ukraine's preparations for the association with the EU²⁸.

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²⁸ The annual report from the implementation of the monitoring indicators from the Development Strategy for Subcarpathian Voivodship <http://monitoruj.podkarpackie.pl/Grafika/Menu%20glowne/Aktualnosci/Opracowanie%20zlecane/Raport%20roczny%20z%20realizacji%20SRW%20-%20Podkarpackie%202020.pdf>, p. 48n.

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