

Ukrainian-Polish Cooperation at Regional Level in the Context of the European Integration

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Polish experience is the example of regional, interregional and spatial development in Central Europe, both in terms of maximum incorporation of the European regional standards and effective public policy according to the formation of capable financial self-sustaining system of the regions' interregional cooperation (provinces) with the regions of the European Union and the countries of Eastern Europe.

Learning from the Polish (and therefore European) experience according to the formation of the interregional cooperation system is productive for Ukraine for several reasons.

First, the interregional cooperation for Ukraine, given the long-term expectations of EU membership is realistic, practical and promising area of the modern adaptation of the regions of our country to the European standards. The European level model of regional policy, whose experience, particularly positive and negative lessons are extremely important for Ukraine was formed in Poland for the period of 1995–2000.

Secondly, in terms of the new EU financial instrument – the European Neighbourhood and Partnership and, consequently, a new period of development of interregional cooperation of the EU policy for the period of 2007–2013, the new opportunities for the participation of the EU regions in joint programs of interregional and cross-border cooperation has been opened up for the regions of Ukraine. This requires the strengthening and developing of the effective institutional component of regional cooperation in Ukraine, one of the best models of which was created in Poland.

Thirdly, it is fundamental to distinguish the active transforming activity of the human factor. We mean, as a manifestation of direct participation in international relations in the form of the Polish-Ukrainian interregional cooperation of the self-governing communities and millions of the citizens in both countries, as well as the gradual active formation of European mentality of the Ukrainian citizens.

24 May 1993 the Agreement on interregional cooperation was signed between the Government of Ukraine and the Government of the Republic of Poland.¹ The issues of institutional, political and legal dimensions of Ukrainian-Polish relations as at the international

¹ Угода між Урядом України та Урядом Республіки Польща про міжрегіональне співробітництво, zakon.rada.gov.ua/laws/.

and regional/interregional levels is an important part of both foreign and internal policy of Ukraine. From a strategic point of view this interregional/cross-border cooperation of Ukraine can be an effective means of Ukraine's European integration intentions.

In theoretical and methodological sense, the fundamental scientific research statement is the following the interregional, regional, cross-border cooperation is not only a subsystem of the broader system of international relations, but also a part of the European Union regional policy. Programs, extremely important conceptual statements of the European Commission on the Eastern Neighbourhood, or the Eastern Partnership include the interregional cooperation area as a part of the regional policy of a particular state and the European Union as a whole.

The administrative reform and the adaptation of basic principles, mechanisms and methods of the European Union regional policy were carried out in Poland for the effective interregional cooperation with any regions of the world including Ukraine. Thus Poland's experience is very important to study in Ukraine.

Twenty years of Ukraine's independence shows that the development of local government is a productive mechanism for the society's unification around the fundamental values. With its help you can expect the best use of the potential of the society's self-organization and citizens' initiative, which leads to the development of civil society. The experience of democratic countries shows that the state and authority are controlled by the citizens, not vice versa if the local self-government and democratic government are developed.²

Ukrainian-Polish intergovernmental agreement on interregional cooperation in 1993 established a specific segment of the international legal framework of Ukraine's cooperation with Central and Eastern Europe, which governs the system of interregional, cross-border relations. Thus, according to Article 1 of the Agreement the interregional cooperation means "the activities of regional institutions of state administration and local government, aimed at strengthening and developing friendly and neighbourly relations between the two countries". Ukrainian-Polish Agreement (Article 5) granted the right, within its competence to conclude, under the internal law of both countries, agreements on cooperation in the following areas: construction and regional planning, transportation, utilities, industry, trade, agriculture, environmental protection, education, culture and arts, tourism and sports, and on other issues of mutual interest to the regional authorities (Article 4).³

The main provisions of this Agreement have been adapted to the European legislation. It should be noted the Madrid Outline Convention.⁴ In 1980, the countries – members of the Council of Europe signed the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities. In 1995 the Convention was supplemented with the Additional Protocol laying down the procedure for its application. In 1998 Protocol No. 2 was accepted which regulates the cooperation between regions that are not contiguous with each other. 14 July 1993, Ukraine joined the European Outline Convention

2 Олег ХУСНУТДИНОВ, Місцеве самоврядування: історія та сучасність, in: Зовнішні справи, 3–4, 2010, 12–15.

3 Угода між Урядом України та Урядом Республіки Польща про міжрегіональне співробітництво, zakon.rada.gov.ua/laws/.

4 Європейська Рамкова Конвенція про транскордонне співробітництво міжтериторіальними общинами або властями (ETS No 106) – Мадрид, 21 травня 1980 р., <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi>.

on Transfrontier Co-operation between Territorial Communities or Authorities, in 2004 – to the protocols of the Convention.⁵

In this context it is important to emphasize that due to the ratification of the Madrid Convention (21 May 1980) by the Verkhovna Rada of Ukraine in 1993, its provisions (international legal rules on cross-border cooperation) became a part of the national legislation of Ukraine and have priority over internal law, in accordance with Article 27 of the Vienna Convention on the Law of Treaties 1969.⁶

The development of Ukrainian-Polish interregional relations is carried out in various areas of the social-economic and cultural character. Using its geopolitical and geo-economic potential both Poland and Ukraine are able to create an effective form of interregional and cross-border cooperation, namely – economically self-sufficient cross-border region with an extensive communications network. The expansion of regional contacts also favours to the solution of ethnic problems.

The expansion of regional cooperation between the regions in Poland and Ukraine is realized in the context of the parties' course of the European integration. In this regard, the adapting experience of the best practices of Poland's interregional interaction to Ukraine is extremely important. Among the priorities of the European integration the interregional integration and cooperation deepen the direct contacts between the regions of Ukraine and the EU regions, in this case the regions of Ukraine and Poland's regions.

In fact, the realization of the concept "from the union of countries to the union of regions" by the countries of the European Union not only strengthens the regional cooperation in Europe, but also provides the additional opportunities to the regions, especially institutions of local government to solve their common problems in interregional cooperation of the parties.

At present the priority areas of cooperation between Ukraine and the EU in the field of interregional and cross-border cooperation are:

- Support of the regions and the participation in the preparation and implementation of the "Neighbourhood Programmes" with Ukraine;
- Development and implementation of the legislation on cross-border and interregional cooperation;
- Improvement of the projects' and programs' efficiency in the field of cross-border and interregional cooperation by providing an active support and involvement of the local and regional levels.

The system of Ukrainian-Polish relations of the international and legal character can be divided into three blocks. The first block of the international documents are actually the intergovernmental agreements of bilateral relations and regulatory framework – the Constitution of Ukraine, the UN Convention, the Laws of Ukraine, Decrees of the President of Ukraine and the Cabinet of Ministers of Ukraine.

⁵ Постанова Верховної Ради України "Про приєднання України до Європейської конвенції про основні принципи транскордонного співробітництва між територіальними громадами або органами влади 1980 року". Україна на міжнародній арені. Збірник документів і матеріалів (1991–1995 рр.). У двох книгах. Книга 2. Київ 1998, 387.

⁶ Є. Кіш, За програмою сусідства. Транскордонне співробітництво України після східного розширення Європейського Союзу, in: Політика і час, 12, 2004, 27–34.

The second block of the international legal instruments are agreements of interregional levels between Ukraine and Poland, the European international conventions and agreements on interregional and cross-border cooperation, the international treaties of the intergovernmental levels. The interagency level agreements that directly affect interregional interaction on the border of two neighbouring countries: for example, in the border areas are becoming of particular importance.

The third block of the documents are the agreements signed directly between the institutions of local government of Poland and Ukraine, particularly the agreements between Volyn, Transcarpathian, Lviv, Ivano-Frankivsk, Kharkiv, Mykolaiv regions and Lublin, Łódź, Subcarpathian and Silesia, West Pomeranian provinces.⁷

We consider it is possible to divide the characterization of Polish experience of regional cooperation into two clearly defined periods:

- 1) 1995–2000 years – the period of the formation of regional development policy in Poland adapted to the EU standards;
- 2) 2001–2008 years - the period of implementation of a new model of the regional development, which includes the use of structural funds and pre-accession to the EU funds and a review of the system and models of regional development in the context of Poland's accession to the EU for a new project and the financial period of 2007–2013 years.⁸

Active policy concerning the formation of regional development in Poland started in 1995. In fact, since then the administrative reform at the local level was carried out and the development of a legislative framework required for the regional development support began in Poland and this process lasted until 2000. The year of 1999 is important in specific chronological sense because there was a new territorial division of Poland according to the administrative-territorial reform – that is, the division into statistical regions by the nomenclature of the European Union.

It is worth noting that the real subjects of interregional and cross-border cooperation in Poland are self-government institutions. The current system of the institutions of local government in Poland was established during the administrative-territorial reform, which goal was to adapt the territorial structure of Poland to the European standards before joining the EU. In particular, the reform introduced a three-staged system of units (commune – district – province) instead of two-staged (commune – province). Another objective of the reform was the decentralization of power and the transmission much of the authorities on the ground to the institutions of local government.

The reform finally came into force 1 January 1999. The main legislative documents governing the activities of local self-government of the country is Commune Self-government Law of the Republic of Poland from 8 March 1990, District Self-government Law of the Republic of Poland from 5 June 1998 and Province Self-government Law of the Republic of Poland from 5 June 1998.⁹

7 Н. М. БУГЛАЙ, Українсько-польське співробітництво: міжрегіональний аспект, Миколаїв 2012, 22–23.

8 Ibidem.

9 Ustawa z dnia 8 marca 1990 r. o samorządzie gminnym, <http://www.mswia.gov.pl/portal/pl/53/1660>; Ustawa z dnia 5 czerwca 1998 r. o samorządzie powiatowym, http://www.pis.org.pl/download.php?...ustawa_19...; Ustawa z dnia 5 czerwca 1998 r. o samorządzie wojewodzkiem. http://www.wuoz.bip.lodz.pl/.../status_prawny.pdf

It is clear that there are the essential peculiarities of the regional division of the territory in Poland and Ukraine. Poland is a country of the European Union, and falls under the EU classification of regions – Nomenclature of Territorial Units for Statistical Purposes (NUTS, 1988), which provides five levels: three regional (NUTS–III) and two local (NUTS IV–V) units of the EU regional statistics. The new territorial Poland's division according to the administrative-territorial reform (since 1 January 1999) includes: 16 provinces (NUTS II) with 880 towns and cities, 45 subregions (NUTS III), 380 districts (NUTS IV), 2,489 communities (NUTS V) and 56,772 villages.¹⁰

Ukraine geographically is divided into: 24 regions, 490 districts, 453 cities, 174 of national importance, 887 towns, 28,612 villages and the Autonomous Republic of Crimea. The reform of the administrative and territorial structure is being prepared in Ukraine nowadays. Article 132 of the Constitution of Ukraine determines the balance between social and economic development of regions as one of the principles of territorial structure in Ukraine. The Basic Law does not define concretely what kind of content is embedded in the constitutional concept of the region while part 2 article 133 contains an exhaustive list of administrative and territorial units of the country's sub-national level. And only Promotion of Regional Development Law of Ukraine from 8 September 2005 has determined that the region is a territory of the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol. "In the context of harmonization of Ukrainian legislation to the EU standards regions as objects and subjects of regional policy should be interpreted not only as a part of the country, namely as a regional community that is a community of people with their rights, duties and interests, and above all – the right of regional self-government."¹¹

Defining the conceptions of the European choice of Ukraine, it should be noted that one of the most difficult problems of Ukraine's European choice of implementation is the genuine and not merely declarative administrative reform and the creation of professional management, which should serve the society.¹²

In the EU countries, Poland in particular, the basic subjects of regional cooperation is the territorial communities or authorities which directly have great power at the regional level, fulfil local and regional functions and are defined as such by the internal law of the state. And international regulatory legal acts (Poland, as well as Ukraine, adopted the Madrid Convention and its additional protocols on interregional cooperation as a basic legal framework), clearly define the right of territorial communities and authorities to conclude agreements on interregional/cross-border cooperation under certain circumstances, recognize the validity of acts and decisions taken in the framework of agreements on interregional cooperation for national legislation and legal capacity (the status of "legal person") of anybody which will be created according to this agreement.

Polish experience of the European integration at the regional and interregional levels was determined in the regulation of the regional development policy in accordance with the principles of the European regional policy. It is known that the main purpose of the EU

10 Prawne warunki działania organizacji pozarządowych, Akademia Rozwoju Filantropii w Polsce, Warszawa 2006, 19.

11 М. ДАЦИШИН – В. К. КЕРЕЦМАН, Інституційне забезпечення регіональної політики та практика взаємодії органів влади в Україні, Київ, 2007, 18.

12 С. В. ВІДНЯНСЬКИЙ – А. Ю. МАРТИНОВ, Україна в постмодерній системі міжнародних відносин. Науковий вісник Дипломатичної академії України. Випуск № 5, К., 2001, 144–145.

regional policy, in accordance with Article 158 of the Treaty of Amsterdam, which is a modification of the Maastricht Treaty and the Treaties establishing the European Community, is to provide a versatile and harmonious development of the Community and revitalization of activities designed to strengthen the economic and social cohesion. In particular, the Community focuses on reducing differences of the regions in the level of development and the backwardness of certain regions.

The real estimation and the study of the evolution of the modern development of Polish-Ukrainian interregional cooperation at the regional level makes it possible to say that it has reached a new qualitative stage of the development, the effective development of the institutional infrastructure of this kind of cooperation has been started on the Ukrainian side, indicating the pragmatism of the format of regions' interregional cooperation in Ukraine and Poland.

Abstract

The article deals with issues of Ukrainian-Polish cooperation at the regional level. The legal and regulatory framework of bilateral relations is analysed. The Problems of the expansion of interregional cooperation in Poland and Ukraine are considered through the countries' implementation of the course of the European integration.

Keywords

Ukraine, Poland, integration, regions, cooperation