

Polish Regionalism — Present Challenges and Threats

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Abstract

After the accession of Poland to the European Union our country started to be defined as a decentralized state with a regional structure. The aim of this paper is to compare Polish legal solutions to the Italian and Spanish solutions regarded as classic models of regionalism. The effect of the analysis is the conclusion that the biggest obstacle for the development of regionalism in Poland is the lack of proper legal regulations including constitutional regulations. It is responsible for the fact that Polish voivodeships do not have guarantees of territorial integrity. Theoretically there is even a possibility to replace them with other units of territorial division. Other restrictions for regional development are: insufficient level of financing and the lack of formed social ties in newly formed voivodships. Due to these factors voivodships do not play their own political role. The situation could be changed as a result of an enlargement of regional competences and granting voivodships limited autonomy similarly to the situation in Italy and Spain.

Introduction

In foreign literature, and even in works being official documents of the European Union there is a description of Poland equally with Italy and Spain as a state with a decentralized regional structure. There are opinions that the experience of some of the countries preparing for EU accession further confirms the link between European integration and the restructuring of sub-national tiers of government. According to such opinions in Poland the rebuilding of local government and devolution from central government to the local and regional level went hand in hand with the launch of EU accession negotiations in the early 1990s. The aim of this paper is an attempt to answer some of the questions concerning the present state and the future perspectives of regionalism in Poland.

The prevailing view is that there is congruence between the processes of European integration and regional governance has been the subject of an extensive literature and research agenda, in which the question of the powering of regions within European integration processes is contested (see, for example: Weatherill 2005; Loughlin 2001; Jeffery 2000). So the additional research hypothesis could be an attempt to assess if the accession of Poland to the EU created more beneficial conditions for the development of regionalism in our country.

1 Regionalism as a constitutional principle

The term “regionalism” has numerous meanings. The key issue here is the Constitution and its solutions. The position of regions is defined in the Constitution in Italy as well as in Spain and France. Art. 2 of the Spanish Constitution states that the Constitution is based on the indissoluble unity of the Spanish nation, the common and indivisible country of all Spaniards; it recognizes and guarantees the right to autonomy of the nationalities and regions of which it is composed, and the solidarity amongst them all. Similarly art. 5 of the Italian Constitution states that the Republic is one and indivisible. It recognizes and promotes local autonomies, and implements the fullest measure of administrative decentralization in those services which depend on the State. The Republic

adapts the principles and methods of its legislation to the requirements of autonomy and decentralization. Similarly art. 1 of the French Constitution from 1958 states that France is an indivisible, secular, democratic and social Republic. It ensures the equality of all citizens before the law, without distinction of origin, race or religion. It respects all beliefs. It is organized on a decentralized basis. Art. 3 of our Constitution states that the Republic of Poland is a unitary State, art. 5 says that the Republic of Poland safeguards the independence and integrity of its territory and ensures the freedoms and rights of persons and citizens, the security of the citizens, safeguards the national heritage and ensures the protection of the natural environment pursuant to the principles of sustainable development. The most significant provision in that respect is art. 15 paragraph 1, which states that the territorial system of the Republic of Poland ensures the decentralization of public power. The same provision provides that the basic territorial division of the State should be determined by statute, allowing for the social, economic and cultural ties which ensure for the territorial units the capacity to perform their public duties. Polish solutions concerning regionalism with respect to political system seem to be similar in its nature.

2 Detailed constitutional regulations concerning regionalism

This problem is solved differently as far as detailed solutions are concerned. The best example here can be that of Italian solutions. Art. 114 of the Italian Constitution states that “Republic is composed of the Municipalities, the Provinces, the Metropolitan Cities, the Regions and the State. Municipalities, provinces, metropolitan cities and regions are autonomous entities having their own statutes, powers and functions in accordance with the principles laid down in the Constitution.”

Thus in all these Constitutions there are guarantees for the existence of regionalism. The Polish Constitution regulates in a detailed way only the position of municipalities (communes). Art. 164 provides that the municipalities shall be the basic unit of local government. Sec. 2 of this article says that other units of regional and/or local government should be specified by statute. It is the only regulation concerning regions in Polish Constitution. Such a regulation being a result of the lack of consent as to the shape of the territorial division of the country among the parties constituting the majority for adopting the Constitution has its consequences. First of all it means that the grounds for functioning of regions are not the provisions of the Constitution but those of a statute. The result is that decisions which can be taken concern not only the number of regions but also there is a theoretical possibility to entirely give up this level of territorial government autonomy in the future. Although there is the mentioned earlier provision about the decentralization of the State providing that „the territorial system of the Republic of Poland shall ensure the decentralization of public power” but the transfer of competences from the higher to the lower level should not violate the principles of decentralization. It is also obvious that the result of such a constitutional provision is the lack of any guarantees for the territorial character of functioning of regions in Poland. What is more while the problems of supervision over the self-government are regulated in the Constitution the possibility to change belonging of a given territory to a particular region does not require parliamentary control.

Another consequence of these regulations in the Constitution is the fact that constitutional regulations concerning communes apply entirely to Polish regions but do not take into consideration their specific nature. It means that their activity is based on the statutory solutions. The organization of the municipal system is regulated by the Constitution of 1997, various acts which set out the territorial organization and division of powers: the 1998 Act on the Three-Tier Division of the Country,¹ the 1998 Act on the Regions,² the 1998 Act on the governmental administration of the

1. See: Ustawa z dnia 24 lipca 1998 r. o wprowadzeniu zasadniczego trójstopniowego podziału terytorialnego państwa, DzU z 1998 r. nr 96 poz 603; and Obwieszczenie Prezesa Rady Ministrów z dnia 11 sierpnia 1998 r. o sprostowaniu błędów, DzU z 1998 r. nr 104 poz. 656.

2. See: Ustawa z dnia 5 czerwca 1998 r. o samorządzie województwa, DzU z 1998 r. nr 91, poz. 576.

Regions,³ the 1998 Act on the Counties,⁴ the 2003 Act on Local Government Revenue, and the 1990 Act on Counties⁵. The reform of 1990 introduced municipal self-government.

In the countries of regional character constitutions anticipate definite influence of regions on exercising power. The Italian Constitution realizes it to the fullest extent. Art. 117 of this Constitution states that legislative powers are vested in the State and the Regions in compliance with the Constitution and with the constraints deriving from EU legislation and international obligations. The Constitution defines in detail the division of legislative competences among the regions reserving for the State legislation on seventeen categories of issues.⁶ The constitution also provides for numerous categories of concurring legislation. But the principle is that the Regions have legislative powers in all subject matters that are not expressly covered by State legislation.

The Italian Constitution also provides for other competences for regions. In its art. 75 it states that a general referendum may be held to repeal, in whole or in part, a law or a measure having the force of law, when so requested by five hundred thousand voters or five Regional Councils. In addition, in art. 57 it can be read that the Senate of the Republic is elected on a regional basis, and that the President of the Republic is elected by Parliament in joint session and the delegates from every Region elected by the Regional Council.

Polish solutions provide only in art 16 that the local government “shall participate in the exercise of public power. The substantial part of public duties which local government is empowered to discharge by statute shall be done in its own name and under its own responsibility”.

The guarantees concerning the formation and internal organization of the regions constitute another difference. Interesting solutions are the ones binding in Spain. Art. 143 of the Spanish Constitution states: 1. In the exercise of the right to self-government recognised in Article 2 of the Constitution, bordering provinces with common historic, cultural and economic characteristics, island territories and provinces with historic regional status may accede to self-government and form Autonomous Communities in accord with the provisions contained in this Title and in the respective Statutes. The right to initiate the process towards self-government lies with all the Provincial Councils concerned or with the corresponding inter-island body and with two-thirds of the municipalities whose populations represent at least the majority of the electorate of each province or island. These requirements must be met within six months from the initial agreement to this effect reached by any of the local Corporations concerned. Art. 148 of the Spanish Constitution also defines the categories of issues Autonomous Communities may assume⁷

3. See: Ustawa z dnia 5 czerwca 1998 r. o administracji rządowej w województwie, DzU z 1998 r. nr 91, poz. 577.

4. See: Ustawa z dnia 5 czerwca 1998 r. o samorządzie powiatowym, DzU z 1998 r. nr 91, poz. 578.

5. The first name of the Act was Ustawa z dnia 8 marca 1990 r. o samorządzie terytorialnym (The Act on local self-government), DzU z 1990 r. nr 16 poz. 95.

6. They are: (1) foreign policy and international relations of the State; relations between the State and the European Union; right of asylum and legal status of nonEU citizens; (2) immigration; (3) relations between the Republic and religious denominations; (4) defense and armed forces; State security; armaments, ammunition and explosives; (5) the currency, savings protection and financial markets; competition protection; foreign exchange system; state taxation and accounting systems; equalization of financial resources; (6) state bodies and relevant electoral laws; state referenda; elections to the European Parliament; (7) legal and administrative organization of the State and of national public agencies; (8) public order and security, with the exception of local administrative police; (9) citizenship, civil status and register offices; (10) jurisdiction and procedural law; civil and criminal law; administrative judicial system; (11) determination of the basic level of benefits relating to civil and social entitlements to be guaranteed throughout the national territory; (12) general provisions on education; (13) social security; (14) electoral legislation, governing bodies and fundamental functions of the Municipalities, Provinces and Metropolitan Cities; (15) customs, protection of national borders and international prophylaxis; (16) weights and measures; standard time; statistical and computerized coordination of data of state, regional and local administrations; works of the intellect; (17) protection of the environment, the ecosystem and cultural heritage.

7. They are: (1) organization of their institutions of self-government; (2) changes in the municipal boundaries within their territory and, in general, the functions appertaining to the State Administration regarding local Corporations, whose transfer may be authorized by legislation on local government; (3) town and country planning and housing; (4) public works of benefit to the Autonomous Community, within its own territory; (5) railways and roads whose routes lie exclusively within the territory of the Autonomous Community and transport by the above means or by cable which also fulfils the same conditions; (6) ports of haven, recreational ports and airports and, in general, those which are not engaged in commercial activities; (7) agriculture and livestock raising, in accordance with general economic planning; (8) woodlands and forestry; (9) environmental protection management; (10) planning,

Constitutions also provide for the content and the way of enacting statutes. Art 147 of the Spanish Constitution says that within the terms of the Constitution, the Statutes shall constitute the basic institutional rules of each Autonomous Community and the State should recognize and protect them as an integral part of its legal order. Similarly art. 123 of the Italian Constitution states that Each Region should have a statute which, in compliance with the Constitution, should lay down the form of government and basic principles for the organization of the Region and the conduct of its business. The statute shall regulate the right to initiate legislation and promote referenda on the laws and administrative measures of the Region as well as the publication of laws and of regional regulations. Regional statutes are adopted and amended by the Regional Council with a law approved by an absolute majority of its members, with two subsequent deliberations at an interval of not less than two months.

3 Polish statutory regulations concerning regionalism

In Poland the statute stipulates the division into regions. Provisions of art. 5 of the Act from July 24, 1998 introduce basic three-tier division of the State territory. It states that changing the region borders including formation, combination, division or liquidation of counties may happen as a result of the regulation of the Council of Ministers after consulting organs of the local government if the changes concern them. This regulation was regarded as unconstitutional and the complaint was filed to the Constitutional Tribunal as the authorization to issue Regulations does not provide guidance on the content of these acts.⁸

After the ruling of the Constitutional Tribunal⁹ a new content of art. 5 was created. It was added that when changing borders of regions one should strive to improve the performance of public functions of a region and the preservation of regional social cohesion, economic and cultural.

The creation of county borders and as a result of that region borders was quite arbitrary as it is stated in art. 3 sec. 1 of the above mentioned act. The procedures are not rigid and obligatory which can be seen in the used expressions “one should strive for a county to be an area if possible of a homogeneous character” and an area “taking into account social and economic ties.” Thus the government having its own understanding of social and economic ties had great freedom in the establishing of county and as a result province borders. The reform of 1998 reduced the intermediate tier from forty-nine to sixteen units/regions and introduced two new levels of self-government: county (Polish: powiat) and voivodship (Polish: województwo). An Act of 2002 provided for the direct election of mayors. Nowadays Poland is a state with three levels of sub-national government: 16 voivodeships, 314 counties; 2 478 communes (Polish: gmina).

Voivodships have parliaments (Polish: sejmik), directly elected for four years. They are elected by proportional representation on party lists, with a 5 per cent threshold for representation. The executive is led by a marshal (Polish: marszałek), elected by the regional council by absolute majority. The executive is made up of five members elected by the sejmik (but whose members may be drawn from outside the sejmik). The sejmik appoints members of commissions from among the

construction and operation of hydraulic projects, canals and irrigation of benefit to the Autonomous Community; mineral and thermal waters; (11) inland water fishing, the shellfish industry and aquaculture, shooting and river fishing; (12) local fairs; (13) promotion of the economic development of the Autonomous Community within the objectives set by national economic policy; (14) handicrafts; (15) museums, libraries and music conservatories of interest to the Autonomous Community; (16) the Autonomous Communities monuments of interest; (17) the promotion of culture, of research and, when applicable, the teaching of the language of the Autonomous Community; (18) the promotion and planning of tourism within its territorial area; (19) the promotion of sports and the proper use of leisure; (20) social assistance; (21) health and hygiene; (22) the supervision and protection of its buildings and facilities; coordination and other powers relating to local police forces under the terms to be laid down by an organic law.

8. According to the art. 91 sec. 1 of the Constitution, regulations shall be issued on the basis of specific authorization contained in, and for the purpose of implementation of, statutes by the organs specified in the Constitution. The authorization shall specify the organ appropriate to issue a regulation and the scope of matters to be regulated as well as guidelines concerning the provisions of such act.

9. See: Wyrok Trybunału Konstytucyjnego z dnia 14 grudnia 1999 r. *Rocznik: 2000, Miesiąc: 11, Pozycja: 115, Sygnatura: K. 10/99* (ruling of the Constitutional Tribunal from 14 December).

councillors. These commissions are responsible for the preparation of decisions taken by the sejmik and for the supervision of its execution

Each voivodship also has a centrally appointed voivode (Polish: wojewoda), a representative of the Prime Minister who oversees the work of all the three levels of self-government in terms of compliance with the law and ensures compliance with national policy priorities. Beside the regional self-government there is also a level of deconcentrated State administration based on the Regions and chaired by a voivode. The latter is a representative of the Government; (s)he is appointed by the Prime Minister after the presentation of the candidatures by the Minister of the duty of administration. Their duties include the supervision of the Government administration in Regions and Counties (police, social care, inspections of environment protection and guards) and the supervision of local self-government units with regard to compliance with the law. The Governor also appoints or approves Commanders-in-Chief and Heads of Inspection.

Regional councils have administrative, but no legislative powers over the following policy domains:

- economic development
- employment and labor market policy
- management of the EU Structural Funds
- planning
- transport (only regional roads management)
- health (promotion and health care planning)
- social welfare
- education (higher education)
- environmental protection

Polish regions have feeble participation in the process of decision taking. Differently from such states as Spain or Italy Polish regions do not have their own legislative initiative right. Theoretically regions like other self-government units have the possibility to influence the shape of draft legislation coming from other subjects. There are different issues which are currently under discussion and which could have an impact on the territorial organization and division of powers. A ‘Green Paper’ on the review of the division of powers is being prepared. Moreover, a reassessment of the territorial organization is ongoing: the Joint Committee of the Central Government and Local/Regional Government’s experts are discussing issues concerning local government units’ competences and role; nevertheless, the results of these discussions have not yet been published. Finally, caps for public debts in local and regional authorities may be introduced.

The Joint Committee of the Central Government and Local/Regional Government,¹⁰ set up in 1992, is a forum where all the national associations of LRAs negotiate with the central Government and present their opinions on draft legislation.¹¹ It comprises 12 members from central Government and 12 members from local government units including representatives from the associations of LRAs. Joint Committee develops policies and regulations and conducts consultations through seven working groups. Namely in the field of European policies, public finances system, education, culture and sports, health and social policy, infrastructure, regional development and the environment, public administration and security, rural areas, countryside and agriculture, public statistics, information society, constitutional matters, local government’s capacities and local government revenues.

10. Komisja Wspólna Rządu i Samorządu Terytorialnego (KWRiST).

11. Forum where all the national associations of LRAs negotiate with the central Government and present their opinions on draft legislation: (1) economic development; (2) employment and labour market policy (fight against unemployment); (3) protection of employees claims in case of employer insolvency; (4) transport (regional roads management and transport management); (5) telecommunications; (6) health (health promotion, specialised health services, medical emergency and ambulance services); (7) regional cultural institutions; (8) planning (spatial development; water management, land amelioration; maintenance of hydro-installations); (9) rural areas modernisation; (10) education (running post-secondary schools, some secondary schools and vocational schools, teacher training colleges, voivodship libraries; initiating the establishment and financing of higher education); (11) social welfare; (12) sports and tourism; (13) consumer rights protection; (14) defence; (15) maintenance of public order; (16) environmental protection; and (17) pro-familial policy (including family support and foster care system).

The rules of procedures of both assemblies foresee the consultation of LRAs during the legislative process. The Association of Polish Counties actively participates in the legislative process in both chambers of the Parliament, especially in standing and extraordinary committees. The Sejm sends all its draft legislative acts to the Association of Polish Cities, which is invited to participate in the meetings of different parliamentary committees, in particular in the Committee of Local Government and Regional Policy. In the same way, a member of the Committee of Local Government and Regional Policy, the Association of Polish Counties expresses its views and comments on draft legislations. As regards the Senate, the Committee of Local Government and Public Administration invites the associations of LRA.

In addition, the voivode performs the following functions for central government:

- representing the government in the voivodship
- supervising government administration at the voivodship level and in counties (mainly police, social care, inspections of environmental protection)
- supervising local self-government in terms of their compliance with law

Summing up it should be stated that at present Polish regions cannot be compared to the regions in other European countries. It also seems that without strengthening their constitutional basis there will not be their growing importance in exercising power.

4 Polish regions as “local communities”

There are also other not legal restrictions for the development of regionalism. It is true that the institution of „voivodship” has its long tradition. Firstly, the tradition at regional level in Poland is long although restricted to nobility. It dates back to the “dietines” (Polish: sejmiki ziemskie; Latin: comitia minora), first formed in the 16th century as the basic institution of local self-government for nobility; for the higher echelons of society it was at the same time the main mode of participation in the political life of the state. This tradition ceased upon the partition of Poland in 1772. In the times of the so called “Second Republic” regional self-government practically did not exist. After independence was regained in 1918, attempts were made to construct self-government at the regional level. However, directly elected assemblies operated in only two out of seventeen existing regions.

Comparing the existing in the 18th century regions with the present ones (voivodships) it can be seen that their borders are practically different.¹² Here the decisions of the Great Powers concerning the borders of Poland after the war.¹³ were quite important for the social and economic ties and as a result for the present legal solutions. The outline of the present division into regions is to a great extent based on the division created in the forties and fifties of the 20th century. The key issue here was the regulation of the Council of Ministers from 29th May 1946 on the temporary administrative division of the Recovered Territories.¹⁴ What is more the shape of the new regions division largely reflects the previous German territorial division of these areas.

Concluding it should be stressed that with respect to a given territory shifting of state borders only slightly influences the network of infrastructural connections. The existing urban centers preserve their urban character even in a different political reality. Poland was divided into 16 regions, formally known as voivodships. The number of the regions was an outcome of a political game between the then government and opposition. Regions are different in terms of their demographic and economic potential. Although self-government was to constitute a new quality in exercising power in Poland, from the point of view of the country division into regions, the regions themselves constitute the close copy of the previous territorial division of the country. In most cases this division did not take into account historical tradition of these regions. In fact, some of them were formed only on the basis of a large territory but not on the basis of economic rationality. It is important to mention, that some of them were formed in spite of the protests of local societies who were against being united with a given voivodship.

12. As an ex ample, the present Lublin Voivodship was 300 years ago divided into 4 different regions.

13. See: “Potsdam Agreement” The Berlin Conference of the Three Heads of Government of the USSR, USA, and UK, which took place from July 17 to August 2, 1945, conclusions.

14. See: DzU 1946 nr 28 poz. 177.

Social ties on such a territory is a different issue. Between 1944 and 1946 approximately 1,7 million people were resettled from the eastern territory of Poland and till 1 959,300 thousand more (Ciesielski 1999).¹⁵ On the other hand there was resettlement of Germans from the new voivodships of western Poland (Banasiak 1968).¹⁶ From the perspective of social processes in some of the present regions we can speak about the formation of the regional community rather than a formed regional community.¹⁷ Without the feeling of regional community there cannot be any possibility for building social support for the local self-government activities.

According to art. 169 sec. 2 of the Constitution elections to constitutive organs should be universal, direct, equal and should be conducted by secret ballot. The principles and procedures for submitting candidates and for the conduct of elections, as well as the requirements for the validity of elections, ought to be specified by statute. Also the principles and procedures for the election and dismissal of executive organs of units of local government should be specified by statute. However the lack of democratic traditions in exercising power on the regional level is responsible for the fact that contrary to the municipal self-government the regional self-government is treated by the electorate as an “administrative body” and not the expression of “common regional interests”. It can be observed in the attendance in the local government elections.

Worth noticing are the events accompanying the reform of the division of the state into the existing at present regions. Creating in the seventies of the 20th century 49 “small voivodships” led to a more exact reflection of the previous historical tradition of territorial divisions,¹⁸ including earlier local antagonisms.¹⁹ The effects of these processes were social protests against losing the status of a regional capital city by some of those towns.²⁰ What is also worth stressing is the fact that there were protests concerning the regions that had not belonged to Poland before 1945.

5 Threats for the regional development in Poland

The main problem of the regional local self-government is that it is not financed in an adequate way though according to art. 167 of the Constitution Units of local government, including regions, should be assured public funds adequate for the performance of the duties assigned to them. The revenues of units of local government ought to consist of their own revenues as well as general subsidies and specific grants from the State Budget. The sources of revenues for units of local government should be specified by a statute. It is also important, that alterations to the scope of duties and authorities of units of local government should be made in conjunction with appropriate alterations to their share of public revenues.

Pursuant to the Act on Local Government Revenue, sub-national governments benefit from three sources of revenue: own revenue, general subsidies and grants from the national budget. In 2005, sub-national governments’ revenue were derived from taxation (own-source and shared), grants and other sources. The Regions’ revenue was composed of about 55,7% of shared tax,

15. [In the journal (in both Polish and English texts) European practice of number notation is followed—for example, 36 333,33 (European style) = 36 333.33 (Canadian style) = 36,333.33 (US and British style). Furthermore in the International System of Units (SI units), fixed spaces rather than commas are used to mark off groups of three digits, both to the left and to the right of the decimal point.—Ed.]

16. For German point of view see: (Faulenbach 2002).

17. If we take 1950 as the beginning of the shaping of a new map of regions we can show that, in accordance with the national census carried out in December 1950, 5 967 thousand people lived on the previously German territories and of them 3 093,700 thousand lived in the country while 2 874,300 thousand lived in towns and cities. Nearly 2,5 million new inhabitants of the Recovered Territories were Poles from the voivodeships of Warszawa, Łódź, Rzeszów, Poznań, Kielce and Kraków and 1 332 thousand were Poles from the previous eastern Poland.

18. It concerned among others the present Lubelskie Voivodship where województwo zamojskie may be understood as the continuation of the województwo belskie and the województwo chełmskie as the continuation of the part of previous województwo ruskie.

19. In the years 1998–1999 these tendencies could be most easily observed in competition between Toruń and Bydgoszcz, between Gorzów Wielkopolski and Zielona Góra, as well as between Kielce and Radom.

20. The results of these disputes are the provisions of art. 3 of the Act on the three-tier division of the country (see: DzU z 1998 r. nr 96 poz 603), providing in 2 voivodeships: kujawsko-pomorskie, lubuskie the seat of the sejmik and voivode in two different cities.

35,1% of grants and 9,2% of others.²¹ As a result the lack of sufficient financing of the local self-government is responsible for the fact that its true role is not to conduct an active economic policy but rather is to redistribute funds that were submitted to them in the State Budget and from the EU funds.

Thus regions become a kind of a “hostage” of the Council of Ministers and of Sejm adopting their budgets. As a result changing of the voivodship administration is not only the result of the local elections but is the effect of the changing election coalitions in Sejm. Membership in the EU itself without the proper legal solutions will not strengthen the position of regions in Poland. It can be seen on the basis of the accepted way of electing twenty one members to the Committee of the Regions. Only ten of them are from the regions, and the rest represent other levels of local government. In the same way EU funds are more beneficial for the development of the whole country and not for compensating for the differences among the regions. Although Polish voivodships have the same privileges in the EU as the privileges the regions of Italy and Spain were fighting for over decades, like the possibility to have its own representation in Brussels, they are too weak to take advantage of them. It can also be said that the regional policy in voivodships is the reflection of the central level policy in the Ministry of Regional Development and the Council of Ministers.

In conclusion it should be stated that it is not possible to create true regionalism in Poland without introducing into the Constitution provisions concerning at least limited autonomy for voivodships and giving them broader competences including legislative ones.

Conclusions

However it seems that even without changing the constitutional provisions some changes in perceiving regional activity in Poland can be achieved. One of the proposals is that the term of elections in particular voivodships should be different. In that way, to a larger extent, the election campaign could reflect regional problems and not be a mere repetition of Parliamentary elections. It would also be possible to combine more the functioning of Senate with representing regional interests through both giving the upper chamber under the statute provisions new competences, as well as through abolishing incompatibility of the Senator’s mandate with the mandate of the member of the Regional Council (sejmik).

Another proposal could be that of increasing the number of Regional Councils’ members. At present, after the changes from 2001, there are 561 members of Regional Councils, which is only one mandate more than the number of MPs and Senators mandates. If as it has been explained above it is necessary to further develop particular regions identity the number of Members of Regional Councils should increase. The present number of these Members is also responsible for the fact that small political parties- regional in their character have little chances to win elections.

Historical issues seem to be a significant hindrance in that respect. 19th century Poland partitions experiences are the basis for fearing autonomy of particular regions, which is seen as a real threat for the state integrity. One of the first constitutional decisions after 1944 was the abolition of the particular autonomy of Śląskie Voivodship.²² Earlier under the decree of the Council of Ministers from 30 March 1945 on the foundation of Gdańskie Voivodship the territory of Free City of Gdańsk was incorporated into Poland.²³ Fears as to the territorial integrity of Poland could be also seen during the process of unification of Germany in the nineties of the 20th century.²⁴ Summing up there is little possibility for widening the present voivodship competences in the direction of obtaining its wider autonomy.

21. The Municipalities’ revenue consisted of 19,4% of autonomous taxation, 20,7% of shared tax, 43,6% of grants and 16,3% of others. The Counties’ revenue was composed of about 13,8% of shared tax, 70,8% of grants and 15,4% of others.

22. As early as 6 May in 1945 a substitute of a Parliament named State National Council (Krajowa Rada Narodowa) whose members were not elected passed the constitutional act abolishing the constitutional statute of Śląskie Voivodship, DzU z 1945 nr 17 poz. 92.

23. See: DzU z 1945 r. nr 11, poz. 57.

24. The result of these fears was signing in Warsaw on 14 November in 1990 a treaty between the Polish Republic and the Federal Republic of Germany confirming the existing borders, DzU 1990 r., nr 14, poz. 54.

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