

A BORDERLAND AND THE LOCAL AUTHORITY

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In the era of globalization, unification and the disappearance of borders, paradoxically, increasingly important is their determination, stressing the diversity, regionalization efforts to achieve autonomy. This is evident in the ongoing scientific discussion at the junction of many areas where there is the issue of the border is quite clearly marked. These considerations place them in the context of politics, and therefore power, but located locally. This authority, its scope, instruments are determined by the nature of the border, which is analyzed in relation to the center. Thus, they are seen as places where all processes are either specific or autonomous in relation to those occurring in the centers, or (as they are parts of a greater whole) underlying causes of phenomena are searched beyond their borders¹. In literature, the frontier is treated not as the periphery, located far away from the border territories, but different in many ways, integral components of an organization, equipped with a certain degree of independence regarding the implementation of their own needs.

¹ T. Zarycki, *Peryferie czy pogranicza? Krytyczne spojrzenie na posługiwanie się pojęciem 'pogranicza'*, [in:] B. Jałowiecki, S. Kaprański (eds.) *Peryferie i pogranicza: O potrzebie różnorodności*, Warszawa 2011, p. 33–34.

Authority over the borderland, domination over its territory, has always been the subject of action of external forces, but the same border aimed (and this process continues) to a certain independence, articulating their own interests. For the efficient and effective management of the State, it is essential to enable, while maintaining some control over the borderland, independent decision making on matters closely related to it and use solutions and instruments that are the most appropriate to specific local needs. In accordance with the principle of subsidiarity, the state has a subordinate role to the border, merely offering support, assistance, because the local authority is best able to identify problems, needs, and apply the most appropriate solutions. Only if the local authority is not able to cope with these tasks, the state is entitled to take them over.

Border areas, because they are different from others in many respects- economically, socially, culturally, identically, etc.- they generate different needs, which implies a different way of exercising authority in the area. It can therefore be said that the nature of the border determines the specifics of the local authority. The Border's political force is significant and must be taken into account, as this, the need for efficient management and the existence of the principle of subsidiarity, often forces the central authority of the relevant constitutional arrangements.

There is no need to look far for proof in support of this thesis. This is illustrated by the example of many European countries as the Federal Republic of Germany, Austria and Belgium with a federal political system, Italy and Spain divided into regions, decentralized France, the Netherlands, and the unitarian Scandinavian countries like Sweden and Denmark. However, these considerations are based on the experiences of two countries: the United Kingdom and Poland. Borderland within their territories clearly differ which was reflected in the solutions for the local authority, its scope, tasks and methods of their implementation. Both countries can also be treated as borderlands of a larger structure- the European Union.

There is no doubt that borderland is a place of political rivalry and, by applying the principle of subsidiarity in the relationships state- the borderland, a community of borderland is responsible for local issues, and therefore also contributes to the development of civil society.

BORDERLANDS – PLACES OF POWER

In these considerations the borderland is the central point, as well as the starting point, requiring further explanation. There are a lot of definitions of this concept, useful in discussions of political science in literature². In fact, the vast majority of them points, as an important factor shaping the borderland, the identity and awareness of inhabitants of the border region, defined as the place where different types of boundaries (political, historical, socio- cultural, religious and ethnic) permeate which are, quoting A. Sadowski, “cultural equipment of inhabitants”³. This is the identity of the borderland that determines its political dimension. As already pointed out, it is both “place” and social processes. Borderland is characterized by a specific social and cultural structure equipped with a certain degree of institutionalization, with strong dynamic processes shaping specific to the borderland, socio-cultural contents, the struggle for supremacy, participation in power and the highlighting of relations with the sphere of economic, political, history, etc. In the long perspective a certain order of intercultural relations is usually produced⁴. Understood as such, borderland generates specific needs, and so it is the sphere where state power contacting society⁵, relationships between local communities or countries are formed, groups articulate their interests, negotiate relations of subordination, and so an authority is sometimes disputed⁶. This allows a borderland to be considered as an entity functioning in a particular political reality and taking part in its creation⁷. In the discussion about the border some important issues are analyzed. These are relations with the center inhabited by communities somehow “external”

² M. Katana, *Wielka Brytania jako region pogranicza. Tożsamości i artykulacja interesów politycznych. Pogranicze*, “Polish Borderlands Studies” 2013, No. 1, p. 93.

³ A. Sadowski, *Pogranicze Pograniczność Tożsamość Pograniczna*, “Pogranicze. Studia Społeczne” 2008, Vol. XIV, p. 17.

⁴ A. Sadowski, *Pogranicze...*, op.cit., p. 17,

⁵ I.W. Zartman (2010). *Understanding life In the borderlands. Boundaries in depth and in motion*, 2010, p. 6.

⁶ T. Wilson, H. Donnan, *Border identities. Nation and state at international frontiers*, Cambridge 2000.

⁷ M. Katana, *Wielka Brytania jako region...*, p. 94.

to the borderland, who usually aspire to dominate the whole territory and their demands of greater or lesser autonomy raised by the borderland communities, expressed through actions towards empowerment of border areas by regional autonomy and even political autonomy⁸.

I must agree with the assertion that the borderland area as a space for social, political, economic, socio-cultural, inter-cultural contacts, may be used as a starting point for the study of the nation and ethnic (cultural) groups, differentiated society, and their impact on political and economic relations, and impact on shaping of the identity of the residents⁹. Borderland is shaped in the course of history under strong relation to the appointment of borders, as their determinant, not necessarily coinciding with them, but even existing independently.

The Borderland is seen from different perspectives, as specific area, distinct from the structure, emphasizing attachment to a certain area, its own identity, distinctiveness, articulating their own interests and striving for their self-realization. Borderlands are different territories within countries, but also countries in the European Union as a form of organization can be considered borderland.

It can be said, quoting T. Wilson and H. Donnan, that there are “places and identity processes and policies which fulfill an important role in shaping the relationship between identity, territory and sovereignty”¹⁰. A borderland is, according to A. Ball, a power structure disclosing “arbitrary construction of territory and identity (...)”¹¹. It is a real and (despite the local dimension) important political factor, the force that can't be ignored in the efficient management of the national organization as a whole.

⁸ W. Romanowicz, *Pogranicze jako przedmiot badań społecznych*, “Radzyński Rocznik Humanistyczny” 2006, Vol. 4, p. 1.

⁹ A. Sadowski, *Pogranicze...*, p. 20.

¹⁰ T. Wilson, H. Donnan, *A companion to border studies*, Oxford 2012, p. 35.

¹¹ A. Ball, *Writing in the Margins: Exploring the Borderland in the Work of Janet Frame and Jane Campion Borders and Boundaries*, eSharp 2005, No. 5, <http://www.gla.ac.uk/departments/esharp/issues/5/>, [accessed: 20.04.2014].

LOCAL AUTHORITY

Borderland undoubtedly reflects the heterogeneity of society inhabiting the territory, which involves the need for appropriate policies taking this diversity into account. This is important, because the central management of organizational structures, regardless of its nature, can't work in practice. Different tasks are divided among specialized cells the best oriented in the needs and means of implementation. Similarly, state organizations require efficient and effective management and leadership (as evidenced by history, especially the newest one, large countries with strong power concentrated in one decision-making center, have not survived). Next to the central policies there are local policies related to the administrative division of the territory and the distribution of power. It involves the granting of a range of freedoms in tackling local issues (self-government). It should be noted that the division of the territory of the rule takes into account the specificities of the different areas that can be called borderland. Borderland strongly related to the border, however, it is original to it. It sets its course, occupies the whole or only part of the territory, or exists on both sides of it.

As is apparent from the above, the border is a place of power located in a special way-locally. It is about satisfying the collective needs of the borderland's local population. This authority, as noted by J. Sikora, is a "decentralized public administration, or self-government, and the people in general, having the opportunity to make decisions (as well as the implementation of a decision from the supra-local system) to meet the everyday needs of the community residents, community's interest realization, policy economic and social making in the context of the local system"¹². It thus appears as both the political and service. Thus, it not only eliminates the conflict of interest, but also administers social issues.

The local authority is seen as a form of public administration, the opposite of offices at state level, which usually exists as- the second, third,

¹² See J. Sikora, *Lokalne układy społeczne*, [in:] S. Wykrętowicz (ed.), *Samorząd w Polsce. Istota, formy, zadania*, Poznań 2001, p. 84.

and sometimes fourth- level of administration within a given country or organization¹³.

The institutions of local government vary quite considerably between countries, and even where similar models are used, often nomenclature and detailed resolution of this issue are different. An important role is played here by tradition, historical conditions, and thus the specificity of the borderland.

The local authority is part of, and in fact the subject¹⁴ of The local authority is part of, and in fact the subject of, local politics, understood as an administrative policy shaped by local government authorities and other public bodies subordinated to those authorities which directly have resources of power (eg: coordination, coercion, control, repression et al.), means primarily the choice of the goals of actions, serving the interests of the community, order and methods of their implementation to meet the collective needs of the local community in the context of self-government¹⁵, the essence of which is expressed in shaping their own environment, focused on his interests.

G. Masik believes that it is composed of the “power of self-government and the people having the opportunity to make and execute decisions from the supra-local. A large part of the local authority is made up of staff of local institutions, decision-making (power elite) and those outside the institution, representing the elite impact which have a prestige, authority in the community, but may have an impact on the local authority in the form of an opinion. The most important entities of local government include local government, as well as “(...) the power of political parties, financial, social, economic, educational institutions, the Catholic Church or the police and army”¹⁶. Self-government community, because it elects the authority, is the subject of local politics (and thus the local author-

¹³ In federal countries local authority – the local government is the third, sometimes a fourth, while in unitary states is usually a level second.

¹⁴ G. Masik, *Typy polityki lokalnej. Przykład strefy suburbanizacji aglomeracji trójmiejskiej*, “Studia Regionalne i Lokalne” 2010, No 1(39), p. 27.

¹⁵ T. Markowski, *Zarządzanie rozwojem miast*, Warszawa 1999, p. 28.

¹⁶ Ibidem, p. 27.

ity) indirectly it is usually allowed by its members to decide directly on certain issues such as a referendum. The local authority carries out political objectives, including the possibility of governing in general, ie: to obtain and maintain power, but there are and the objectives pursued outside the government apparatus, such as widely recognized local development¹⁷. This authority, delegated from the center, in line with the principle of subsidiarity, in its scope and tasks- as assigned as well as its own- elected by the local community, is best oriented to their needs, means, instruments available and the methods of their implementation. This does not mean total freedom, autonomy, independence, because the center leaves a margin of management, control and supervision to the local authority, but protects against undue state interference in local affairs, and at the same time provides support for the latter requiring the state to take over the task or to assist in the event of difficulties in the fulfillment of belonging to the local authority tasks.

It seems, therefore, that in the discussion of the local authority appear a variety of phenomena such as decentralization (the desire to make the structure less central), assignment, transfer, devolution of powers and responsibilities, delegation (representation of a central authority outside the center, delegation of tasks and legitimacy to exercise them). They differ in their intensity, implementing, detailed solutions, but at their core lay legislative solutions as a result of higher-level activities.

It should be noted that the same borderland as an area does not necessarily coincide with the administrative division, and as a place of power at the local level is by no means uniform. Local political actors, as each moreover, the general objective is to meet the needs of the local community are diverse in terms of the interests, views on the objectives, approaches, methods of operation to perform tasks, which generates conflicts. The tasks of local authorities on the borderland are thus analogous to that covering the whole territory of the state, or the organization in general, but confined to a particular segment, and it takes into account the specificity of the community. This authority is able to accomplish both tasks of the state in the area, as well as to identify and meet their own needs more effectively.

¹⁷ G. Masik, *op.cit.*, p. 27.

THE SPECIFICITY OF THE LOCAL AUTHORITY IN THE UK THE BORDERLAND

The uniqueness of the border in the United Kingdom does not need to prove. The state itself, although unitary, is associated with its constituent parts, namely, with Scotland, Wales and Northern Ireland, which in the process of devolution granted a degree of autonomy in managing their own affairs. These areas despite the Celtic roots are strongly differentiated in almost every respect: to the size of territory and population, the identity of their populations, etc. This diversity of the British union's components makes them Borderlands and has an impact on the nature of the British local government.

The functioning of the borderland as a place, local authority also has an important role of law. The United Kingdom does not have a written constitution and therefore needs a strong democracy, and this in turn requires two components: public participation in governance at the local level and participation at the national level¹⁸.

Thus, the problem of local authorities in relation to the borderland requires a prior analysis of relations between the center and a local authority in the context of the specific organization of the political system of the United Kingdom. It is not only the principle of the supremacy of Parliament and the transfer of certain powers to the components, or even the asymmetry of this advanced decentralization, but the fact that within their own territories, the components by themselves set and determined (at least did so in the past) an administrative order, under which the local authority, located the closest to the citizens, is executed. In the structure of the UK England, Scotland, Wales and Northern Ireland can be distinguished. They are treated as regions, so the local authority areas (from the point of view of the authorities in the center) and a further, more detailed administrative division- local government (local in the strict sense) historically was left up

¹⁸ Balance of Power: Central and Local Government, House of Commons, Communities and Local Government Committee, Sixth report of sessia 2008–09, z: <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmcomloc/33/33i.pdf> [accessed: 20.04.2014].

to each of the components of the state, which resulted in a large variation in the local government administration's organization.

The exercise of local government in the borderland the strongest is influenced by the nature of the identity of each of the territories. According to the study "Census 2011" by Great Britain, the English are 83.9 per cent of the population, Scots 8.4 percent. Welsh 4.8 percent, and The Northern Irish 2.9 per cent.¹⁹ Although all (apart, of course, England) have Celtic roots, each of which is quite significantly different. In Scotland it is more civic than ethnic²⁰, in Wales it is based on community culture and language²¹, and in Northern Ireland the ethno- religious factor plays a major role²².

All of these are regional identities opposed to the English, but considering "Britishness" ie: belonging to the United Kingdom, patriotic loyalty to the Crown, the Protestant succession, and obedience to the law, constituted by parliament²³.

Differentiation of borderland's identities is reflected in the different interests and the strength of their articulation. This has been revealed in the process of devolution. This deeper decentralization has resulted from a compromise between the needs of identities the borderland and the need for efficient management of diversity in the conditions determined by the superior principle of the political system of the United Kingdom- the principle of the supremacy of Parliament.

The strengths of the needs of the autonomous identities in the borderland determined the transfer of competences from the center to the regions (although due to the superior position of Westminster the independence is tempered), and its (strength's) difference determined the asymmetry of devolution, which have not covered all the areas of

¹⁹ Office for National Statistics (2011). Census 2011, <http://www.ons.gov.uk/ons/rel/census/2011-census/index.html> [accessed: 1.05.2014]..

²⁰ A. Kalupa, *Tożsamość Szkotów – etniczna czy obywatelska?*, "Społeczeństwo i Polityka" 2010, No 4 (25) za: M. Katana, *Wielka Brytania jako region pogranicza...*, p. 96.

²¹ M. Kaniasta, *Etniczność jako podstawa samookreślenia i odrodzenia kulturowego Walijczyków*, "Społeczeństwo i Polityka" 2010, No 4 (25), za: M. Katana, *Wielka Brytania jako region pogranicza...*, op.cit., p. 96.

²² M. Katana, *Wielka Brytania jako region pogranicza...*, p. 95.

²³ See *ibidem*, p. 96.

the state²⁴, namely the English, which as the largest, did not strive for self-reliance, because, as it seemed, there was no such need. As a result of this omission, the mechanism of representation and decision-making in matters covered by devolution does not function properly. England was deprived of the right to participate in decisions about matters relating to other areas, while the latter through representatives in Westminster have such an opportunity. Of course, the relations between the Parliament at Westminster and the institutions of the regions are unbalanced, but all of them, in the absence of a written constitution and because of the position of Parliament are equally subordinate to him. It may, in quite a low complicated procedure undo any decision, including that relating to the matter of devolution. Leaving the details of the problems of the process of devolution, it is clear that borderland is highly correlated with the local authority, can be identifying with it, if we assume that the region-country part of the British Union is an area of local authorities oppositional to central government. What's more, its borderland which determines its existence affects its shape, extent. It seems that much more important are the levels of authority within the regions, located closest to the citizens, strictly local. There are noticeable differences in the organization of local government in every part of the United Kingdom. It is quite a complex matter, difficult for a clear presentation.

Local government in the UK as a carrier for local authorities has a long, 150-year tradition, and the opinion is one of the most stable in history. Currently its shape is the result of a long evolution, especially the changes that have taken place in the 90-ies of the XX century.

The different parts of the country management of local affairs within its own structure, although the government aims to gradually standardize the matter and the introduction of a one-tier model for the whole country²⁵.

At the moment, there are counties, in these districts, independent districts (unitary authorities) and metropolitan districts in big cities. There

²⁴ S. Tierney, *Federalism in a Unitary State; a Paradox too Far?*, "Regional and Federal Studies" 2009, Vol. 19, No. 2, p. 237–238.

²⁵ M. Kardas, C. Kucharska, *Analiza porównawcza modeli samorządu terytorialnego Niemiec, Wielkiej Brytanii i Szwecji*, "Colloquium Wydziału Nauk Humanistycznych i Społecznych" 2011, Vol. III

are cities and parishes in some parts of the country. Separate status was granted to Greater London.

In England, local government, within nine regions, is either a single system (unitary authorities), or two-tier (county and district), and in some parts of England there is a third level- a city or parish.

Scotland is divided into 32 administrative units (council areas) on the status of the unitary authority called counties.

And in Wales there are 22 administrative units: 9 counties, 10 urban counties (county boroughs) and 3 cities, all with unitary authority status.

In Northern Ireland, there are a total of 26 districts, all with the status of unitary authority as well²⁶.

Separate status was granted to London. The city is divided into 32 boroughs and the City of London Corporation operating in the Greater London Authority (GLA). These first create a local government level, coordinated by the Greater London Authority representing the higher, strategic level with the Mayor (representational and executive function) and the Assembly of the City of London (decision-making body).

Finally, historical, a ceremonial county operates in the United Kingdom. Despite the efforts not everywhere has been included in the current division, but even if they do not have administrative powers, remain significant in terms of historical heritage and demonstrate local identity (usually institutions of socio- cultural, such as sports associations, etc. are based on historical administrative units)²⁷.

Within the outlined structure of the tasks must be carried out by authorities of different administrative units. It should be emphasized that there is no system of local organs of government, and therefore there can be no duality administration system in the area. This is understandable in light of the fact that in the UK in internal relations, unlike in the international notion of the state does not occur, because the powers to

²⁶ Permanent Committee on Geographical Names for British Official Use, Ordnance Survey of Great Britain: Report of the United Kingdom of Great Britain and Northern Ireland, par. "Geopolitical terminology, <http://unstats.us.org/unsd/geoinfo/9th-UNCSGN-Docs/E-CONF-98-48-Add1.pdf> [accessed: 1.05.2014].

²⁷ Local government, Britannica.com, <http://www.britannica.com/EBchecked/topic/615557/United-Kingdom/44705/Local-government> [accessed: 1.05.2014].

govern are the responsibility of the Crown, or they are granted under the Act Implementing various institutions, including local administrations, therefore there is no institution or authority competent to take a higher tier of local governing²⁸. Legitimacy for the operation of local government derives from the mandates given by the local community in local elections carried out periodically.

In the Anglo-Saxon administrative law, local authorities are the bodies of executive power holding local government, located outside the structure of the central administration. At the same time, logically, there is no separate executive body- the equivalent of the Board. Anyway, the basic act governing the matter of local government- the Local Government Act in the version of 1972 in Article 270 as the municipal authority considers the appropriate administrative unit council²⁹. In the area of Greater London are the Mayor and the City of London Assembly. It should be noted that the position of Mayor in the English system of local government is very poor- in fact only representative.

The Council in each of the types of administrative units is assigned the tasks specified in the laws governing the matter concerning the operation of the various areas of social activity (education, transportation, real estate management, waste management, etc.). Detailed analysis of the competences of individual councils, due to the non-uniform structure of local government in the United Kingdom associated with the possibility of a different division of responsibilities between local authorities, the ability to move tasks between units of the same level or between different tiers of the local government structure, subject and scope of this study, is subject to these considerations, and as such will be ignored. For general orientation, as at present in most of the countries forming the United Kingdom, apart from England, there is one level of government, it is sufficient to note that the tasks in total are similar, they define the scope of the Act, however,

²⁸ J. Superat, *Organy administracji lokalnej w Anglii*, Wrocław 2001, p. 24.

²⁹ Local Government Act 1972, <http://www.legislation.gov.uk/ukpga/1972/70/section/270> [accessed: 1.05.2014].

limited to the local government of the power exercised by the councils of individual units³⁰.

The division of tasks takes place in a partnership, not hierarchical. Local authorities (county councils and district councils in relation to the parish) located above do not have a general supervisory position over smaller bodies. This independence of local government in the UK is not full. Having legal personality, acting on the basis of laws and for a particular territory, and flexible delegation of tasks (even applying for additional tasks or widening of existing rights) or functions between the councils of equal or different levels, the creation of joint committees or bodies, even located outside central government does not mean complete autonomy.

It should be noted the supreme position of Parliament (in particular this applies to England, where Westminster decided on local issues because of the asymmetry of devolution and the lack of a separate Parliament for England). It is based on and issued by the authority to set by local authorities allowing them to function. The statutory nature of the powers of local government in the United Kingdom due to the lack of written constitution. There are no constitutional guarantees, which on the one hand makes the operation more flexible, allowing the local government to expand its powers, raising the importance given by the authorities acts, on the other hand, it means a simpler procedure for making changes to the disadvantage of local government, as Parliament has the power to change any decision not acting in accordance with the principle of *lex retro non agit*. This means that the government can lead to the release by parliament bills that may significantly or completely subordinate local authorities to the central authorities. It's not so much „self- government”, but „local government” as management.

It works on the basis of the Local Government Act (LGA), as amended in 2000 covering all solutions in this matter, with some modifications that take into account subsequent reorganizations³¹. The Act has given councils a general power to raise economic prosperity, social and environmental

³⁰ Local government structure in England, <http://www.politics.co.uk/reference/local-government-structure> [accessed: 1.05.2014].

³¹ Local Government Act 2000, <http://www.legislation.gov.uk/ukpga/2000/22/contents> [accessed: 1.05.2014].

development in their areas. They are limited only by the doctrine of “ultra vires” or “over strength” meaning action outside the scope of competence (it makes it invalid) within the limits of the law and an act of Parliament.

It is worth mentioning that the UK is not a signatory to the European Charter of Local Self-Government, so the government is not protected by its provisions and the parliament has complete freedom in the regulation related to the government.

An important issue is the financing of local governments. It should use its own local sources, which are usually inadequate. This- by necessity means applying for funding various tasks from the central- opens the way to the pathology of relations between the center- the local government which can enforce desired behaviors in local administration. Characteristic for the UK is the high level of government support, as local budgets are powered primarily by government grants³².

The fact that it is an instrument used in practice to limit the power of local proves observed since the 70 th century tendency to issue the legislative acts aimed at the progressive reduction and financial control of the local authority, which is exercised directly by the relevant departments of the ministries and central offices. The central authorities are increasingly raising the acquisition of certain local taxes to fund central budget.

The specificity of local authorities in the UK is the lack of administrative justice, control of compliance with the laws is done through the competent courts of general jurisdiction.

In addition, distinguishing feature of the UK is the formation of unions and associations of local administrations. They provide a platform for communication, exchange of opinions and views and act as a lobby representing the interests of its members against government and as a representative body in relations with the authorities of the central administration.

The specificity of Great Britain, its system determines that the English local authorities are not local authorities, central government, but despite the large opportunities for self-governance, self-governance attributes weaken. They are being increasingly curtailed by the state, despite the need to deepen decentralization, articulation of needs in the management

³² J. Supernat, *Organy administracji lokalnej w Anglii...*, p. 25.

of their own affairs by the British borderland identities they are successively taken by the unifying model of local government. This weakens rather high (until recently) the political activity of citizens. The data show that the percentage of participation in the elections varies from election to election, but in recent years, falling from 63.1% in 2010, 42.6% in 2011 to 32% in 2014³³. In some parts of the country the turnout falls below 20%³⁴.

THE LOCAL AUTHORITY AT THE BORDER IN THE REPUBLIC OF POLAND

The issue of the border and the local authority in relation to the Polish Republic is radically different from that in the United Kingdom. First of all, Poland is characterized by a low diversity of ethnic, national and religious³⁵, and its territory, in accordance with Art. 3 of the Constitution, is uniform³⁶.

In the National Census of 2011, Polish nationality was declared at 93,73% of the respondents, while the 1.44% reported only non-Polish nationality³⁷. This small percentage includes of those listed in the Act on National and Ethnic Minorities and Regional Language³⁸ national minori-

³³ Election turnout: is it the worst ever?, https://fullfact.org/articles/police_crime_commissioners_PCC_election_turnout-28608 [accessed: 26.05.2014].

³⁴ H. Pidd, *Turnout at the local and European elections in the north of England in 2014*, <http://www.theguardian.com/uk-news/the-northerner/2014/may/30/turnout-at-the-local-and-european-elections-in-the-north-of-england-in-2014>.

³⁵ M. Kallas, A. Lityński, *Historia ustroju i prawa Polski Ludowej*, Warszawa 2000, p. 23.

³⁶ *Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. uchwalona przez Zgromadzenie Narodowe w dniu 2 kwietnia 1997 r.* Dz. U. 1997 nr 78 poz. 483.

³⁷ Raport z wyników Narodowego Spisu Powszechnego Ludności i Mieszkań 2011, GUS, http://www.stat.gov.pl/cps/rde/xbcr/gus/LUD_raport_z_wynikow_NSP2011.pdf [accessed: 01.05.2014].

³⁸ Ustawa z dnia 6 stycznia 2005 r. *o mniejszościach narodowych i etnicznych, oraz o języku regionalnym*, Dz.U. Nr 17, poz. 141, z późn. zm.

ties: Belarusians, Czechs, Lithuanians, Germans, Armenians, Russians, Slovaks, Ukrainians, Jews.

The largest clusters of national and ethnic minorities are in the provinces of Opole 106 thousand. Polish citizens (9.91% of the inhabitants of the province), Podlaskie 54 thousand. (4.45% of the region), Silesia 33 thousand. (0.69% of the region), Warmia-Mazury 17 thousand. (1.20% of the region), Lower Silesia 8.5 thousand. (0.29% of the region), West Pomeranian 6 thousand. (0.35% of the region), Lesser 6 thousand. (0.18% of the region) and the Pomeranian 5.5 thousand. (0.26% of the region)³⁹.

Certainly these are the borderland areas in Poland, distinct ethnically, culturally, and sometimes in terms of religion. These communities are mostly aging (more than 30% are of retirement age)⁴⁰, well assimilated into society, and although with varying strengths, emphasize their own individuality, it is incomparably weaker to that in Britain. Their political influence, participation in politics in the center is negligible, as it is made clear on the local ground.

Borderland identities in Poland had to operate under a single, homogeneous state divided administratively into provinces (Voivodeship), districts (Powiat) and municipalities (Gmina)⁴¹. The local government operates in the mentioned framework, its traditions are as old as the British, but with different historical experiences. In its present form, as in the UK, it is the result of changes in the last two decades after the political transformation in 1989. They were possible due to the decentralization of power, which has become a constitutional principle expressed in art. 15 of the Constitution⁴². It delegated to the territorial units public tasks not reserved by the

³⁹ II Raport dla Sekretarza Generalnego Rady Europy z realizacji przez Rzeczpospolitą Polską postanowień Konwencji Ramowej Rady Europy o ochronie mniejszości narodowych, Ministerstwo Spraw Wewnętrznych, Warszawa 2007, http://www.msw.gov.pl/portal/pl/118/5208/II_Raport_dla_Sekretarza_Generalnego_Rady_Europy_z_realizacji_przez_Rzeczpospoli.html (za wynikami Spisu Powszechnego z 2002 r.) [accessed: 01.05.2014].

⁴⁰ Ibidem: w Polsce około 15%.

⁴¹ Ustawa z dnia 24 lipca 1998 r. o wprowadzeniu zasadniczego trójstopniowego podziału terytorialnego państwa, Dz.U. 1998 nr 96 poz. 603.

⁴² Art. 15§1: „Ustrój terytorialny Rzeczypospolitej Polskiej zapewnia decentralizację władzy publicznej”

Constitution or statutes to the organs of other public authorities, within the framework of the territorial division of the State (Article 15 § 2 and 163). Thus, the independence of the local authority does not include shaping of its own organizational structure. It is uniform throughout the country, as well as its own tasks (and also performs all the tasks assigned) and the authorities and relations between them. The principle of decentralization determines the territorial area of the local authority limiting it to certain tasks belonging to the State, transferred for the execution on its behalf, but the important part of public duties are performed by the local government in its own name and on its own responsibility (Article 16 § 2 of the Constitution). This is the way “to prevent (...) authorities located lower in the hierarchy relative autonomy in relation to the higher authorities”⁴³. Tak So, besides the fact that the self-government (local government) fulfills its tasks in a certain range, it is independent (though not sovereign).

As already mentioned, the structure is a three-stage territorial administration. The provisions of the Constitution, but more detailed, are contained in the Law of Local (Self-) government (municipal)⁴⁴, currently the third: the above-mentioned Act on the Local Government (Commune Self-Government), Act on District Government⁴⁵ and the Act on Voivodship Government⁴⁶.

It is significant that in Polish conditions, the local authority in the strict sense is the power of communal self-government, because the municipality is the basic unit of local government (which indicating clearly the Constitution in Art. 164), and the district and province are, respectively, supralocal (the supracommunal) and regional authorities. However, all

⁴³ B. Dolnicki, *Prawnoustrojowe ramy polityki lokalnej*, [in:] E. Ganowicz, L. Rubisz (eds.), *Polityka lokalna. Właściwości, determinanty, podmioty*, Toruń 2008, p. 69.

⁴⁴ Ustawa z dnia 8 marca 1990 r. o samorządzie terytorialnym, Dz.U. 1990 nr 16 poz. 95. Obecna nazwa o samorządzie gminnym- zmieniona ustawą z dnia 8 lipca 2005 r. o zmianie ustawy o samorządzie gminnym oraz niektórych innych ustaw Dz.U. z 2005 r. Nr 175, poz. 1457.

⁴⁵ Ustawa z dnia 5 czerwca 1998 r. o samorządzie powiatowym, Dz.U. 1998 nr 91 poz. 578 ze zm.

⁴⁶ Ustawa z dnia 5 czerwca 1998 r. o samorządzie województwa, Dz.U. 1998 nr 91 poz. 576.

exercise the authority within a given territorial autonomy, independently from the center and in this sense can be determined local.

Polish solutions are symmetrical. Uniform administrative division throughout the country is accompanied by the uniformity of bodies and even the distribution of tasks. Generally, they serve the satisfaction of collective needs of local communities in the municipalities and districts and the creation of the regional development strategy.

As responsibility of the municipality lay in “public affairs of local importance are not reserved by law to other entities” (Article 6 of the Law on the Local Government), the district’s- public tasks of a supracommunal level (Article 4 § 1 of the Law on District Government) and Voivodeship’s provincial or regional (Article 14 of the Law on Voivodeship Government). These relate generally speaking technical and social infrastructure, public order and safety, spatial and environmental governance. The scope of activities of higher levels of self-government does not infringe these ranges located below. There is the possibility of transferring tasks from top to bottom under the agreements, creation of entities to perform tasks and cooperate with each other (horizontally and vertically) and other social entities. In accordance with the principle of subsidiarity, the task of a lower tier can be taken over the higher one only if the first one is not able to meet it or a higher authority shall perform it more effectively. As a result, higher levels of government exercise authority only over what exceeds possibilities for action of local government⁴⁷.

Although the government runs its own finances and implements its own task, it is necessary for some State’s (especially when imposing new tasks) or other units of local government’s assistance.

At each level there is a decision-making body- council in the municipality and the district and the Parliament of the Voivodeship and the executive board with the mayor (mayor, president), the district governor or marshal as the head. These bodies- councilors at all levels and mayors of municipalities, mayors and presidents of cities are elected by the local community in democratic elections, universal, direct, equal and secret, which

⁴⁷ B. Imiołczyk, J. Regulski et al., *Samorządność i demokracja lokalna*, Raport Nr 2/2007 Warszawa, listopad 2007, p. 6.

strengthens the local self-government, thus giving legitimacy to the operation of local government. Turnout is not impressive, but it increases from election to election. In 2010 it amounted to 47.32%⁴⁸, in 2006, 45.99%⁴⁹. The lowest turnout was recorded in 2006, just on the borderlands: in the Opole province (39.90% in the first round) and Silesia (32.30%), and similarly in 2010, where it was one in each of the turnouts 40.9% and 30.1% for the Opole Silesia⁵⁰.

The authorities are not subordinated hierarchically their functioning is supervised according to the criterion of legality by the Prime Minister and the provincial governors, and financial matters by Regional Audit Chambers. Additionally they are subject to the protection and control of the judiciary and public administration.

We can clearly see that decentralization is much shallower than in the UK, but there was neither need nor political maturity in this respect. Small ethnic diversity – ethnic justification, the uniformity of solutions in the context of administrative division. Moreover, unlike in Britain, there is a dualism administration here- next to the local government also exists the local administration and the local authority's empowerment and protection is in the written constitution and ordinary statutes, defining roles, competencies, while securing the functioning of local government activities against state interference (due to the complexity of the legislative changes, especially in the Constitution). In addition, Poland adopted the provisions of the European Charter of Local Self-Government)⁵¹, which emphasizes the importance of local government and increases its protection.

⁴⁸ Wybory samorządowe 2010, Państwowa Komisja Wyborcza, <http://wybory2010.pkw.gov.pl/att/1/pl/000000.html#tabs-1> [accessed: 01.05.2014].

⁴⁹ Frekwencja w wyborach samorządowych w 2006 r., Państwowa Komisja Wyborcza, <http://wybory2006.pkw.gov.pl/kbw/frekwencjad198.html?fid=0&id=000000&tura=1> [accessed: 01.05.2014].

⁵⁰ J. Kwiatkowski, P. Modrzewski, D. Płatek, *Co nam powiedziały wybory samorządowe w 2010 roku, w 20 lat od wprowadzenia reformy samorządowej? Sukces? Porażka? Normalność?*, Fundacja Rozwoju Demokracji Lokalnej Małopolski Instytut Samorządu Terytorialnego i Administracji, Kraków 2011, s. 13.

⁵¹ Europejska Karta Samorządu Lokalnego, sporządzona w Strasburgu dnia 15 października 1985 r. Dz.U. 1994 Nr 124 poz. 607.

In Poland, where there is a homogeneous society and borderland, where its presence is clearly marked and noticeable. You can see it in the example of the German, Lithuanian and Belarusian minorities, who also exercise power in populated areas, but far less articulate in their interests. This is not a scale comparable to the British identity, because its conditions are radically different. At the same time, the impact on central decisions is negligible, because the interests of the border are realized only within local government.

The German minority is the only one in Poland, which has practically existed in politics, having its representation, at both parliamentary and local government levels. In local elections, unlike the parliamentary meaning of the German minority by no means diminishes. Its presence is noted in the Silesian Province, Opole and West Pomeranian, but most political activity shows in the Opole province, which saw the largest population of the German minority⁵². Acting as the Social – Cultural Germans in the Opole TSKN, as the election committee minority of Germans became a major political force in the levels of municipalities and districts⁵³. Since 1990, co-governed and often independently governed by the municipalities or districts. Moreover, it is the only local electoral committee, which is represented in provincial self-government⁵⁴.

The Lithuanian minority, although it is small in number, its activity is noted in the Podlasie region encompassing Sejny Szypliszki and Puńsk.

An interesting impact of the border on a local authority is the Silesian Autonomy Movement in Upper Silesia. The Association advocates, among others, the recognition of the Silesian ethnic minority (and some even national), conversion of the Republic of Poland in the regional state and

⁵² E. Ganowicz, *Rola mniejszości niemieckiej w samorządzie lokalnym w województwie opolskim*, [in:] E. Nycz (red.), *Problemy mieszkańców. Dylematy władzy. W poszukiwaniu lokalnego partnerstwa*, Opole 2006, p. 77.

⁵³ Ibidem, s. 77.

⁵⁴ E. Ganowicz, *Między polityką a działalnością społeczną. Dwudziestolecie działalności TSKN w Polsce*, [in:] *20 lat TSKN na Śląsku Opolskim*, Z. Donath-Kasiura, R. Urban (eds), Opole 2009, p. 39.

the creation of an autonomous region within the historical borders of Upper Silesia similar to that existing in the period of the Second Republic⁵⁵.

In local elections in 2010, unlike 2006, when they were interlocked with the Civic Platform and Law and Justice, SAM issued separate lists. In the elections to the Silesian Voivodeship government SAM gained 8.49% support and introduced the three representatives of the regional council (previously acted only representatives of the districts and municipalities). One of them, Jerzy Gorzelik is a member of the Regional Board of Silesia. The organization sees participation in the local government as a step to the implementation of plans aimed at leading to the autonomy of Upper Silesia. According to the association, the task of the province council should be lobbying for the interests of the region, including the decentralization of the state.

In the above context the borders in Poland have excellent conditions to influence the local authority. Their size and strength of articulation does not allow for effective interaction solutions similar to those in the UK, but they use the instruments of electoral competition to shape the local environment and its framework to pursue their own interests.

CONCLUSIONS

There is no doubt that the border is a place of power- a local authority. In its essence involves existence of a distinct interest in forming a borderland community. This interest is reflected in the institutional form of local government, under which the local authority is exercised. The Borderland is always a political force and determines the specificity of power in a given area, often determining systemic solutions in the country. It is obvious that a large role is played by the borders strength with which they articulated their needs and the general conditions of political organization within which it operates (system, historical traditions, etc.).

⁵⁵ See *Napieralski nie musi przeproszać RAŚ*, Rzeczpospolita online, <http://www.rp.pl/artukul/891444.html> [accessed: 01.05.2014].

The above analysis confirms that models of the local authority at the border can be very different. In the UK, national-ethnic diversity is enormous. The size of the needs of components of the United Kingdom and the strength of their articulation determined the need for effective management of deeper decentralization giving some independence to Scotland, Wales and Northern Ireland. Within the designated territories they exercise the authority holding the decision-making bodies and regulations. Before devolution of power models in each of the parts differ significantly, it is now a single tier, with the exception of England, which did not include devolution. These are authorities located outside the central government that are of an executive nature. There is no duality – local and government administration, there is no hierarchical subordination, nor the administrative control of the courts. However, due to the doctrine of the supremacy of parliament and the lack of substantive constitutional guarantees and also resignation from the application of the European Charter of Local Self-Government, a local authority is not fully autonomous. Parliament has the authority to cancel any decision retroactively. In addition, it has the financial resources for which the local authority has to apply, because their own resources are rarely enough to efficiently perform the task. However, it is a flexible system that gives great opportunities to share tasks, coordinate of local activities. Although it should be noted that under the British there is more local “management” rather than “(self-)government”, although authorities are derived from election. Citizens were increasingly less interested in participating in the elections, the average turnout decreases. Borderland identity within their territories do not need too clearly articulate needs, because they have already been met, and most of the citizens- besides the identity borderline- also feels British, points to have ties with the country as a whole.

In the radically different circumstances, the local government operates in ethnically homogenous Poland. It's not the borderland who has forced decentralization and the need for efficient governance of new political conditions. The needs of the Borderland, at first loudly articulated, have been met mostly by the legislation protecting ethnic and national minorities. However, of significance is the example of the Silesian Autonomy Movement as the identity of the Borderland, which is still not satisfied with its own status.

Within the framework of the homogeneous state, there are many opportunities for borderland to participate in the exercises of local authority. Although the administrative division takes into account the principle of diversity of socio-cultural variety in the country, the administration is standardized, three-tier, and coexists with government in the area. Each level has a decision-making council or Regional Council in the province and the Board as an executive body. The councils, the Regional Councils and the executive authorities in the municipalities are elected by the local community. Similarly, the tasks are divided equally and harmonized powers, and rules governing the relationship between the administrations in all directions. There is no hierarchical subordination here, the activity is under the protection of the courts of general jurisdiction and is subject to the administrative jurisdiction. The control and supervision of the activities are intended only to verify compliance with the law.

Decentralisation and local government in Poland are the written rules of the Constitution, where the process of change is difficult. In addition, Poland adopted the provisions of the European Charter of Local Self-Government, which gives local governments additional protection.

In this framework, border communities freely reach the local authority, not necessarily as a borderland, in terms of ethnic-national diversity, but as Polish citizens. The local authority is a political tool, which is used for the implementation of local interest. They are not strong enough to determine the constitutional arrangements of the country, although these are attempts Silesian Autonomy Movement. Polish tradition does not provide autonomous regions. It is still in the early stages improving the quality of power in the area, in building civil society. Evidenced by the poor results of participation, in local elections in general and not just on the border.

There is no doubt that the borderland, as the social area has links with the local authority influencing it with different intensities depending on the historical circumstances- political, but always uses the best interest of the community at the border.

SUMMARY

There is no doubt that the border is a place of power – a local authority. In its essence it involves the existence of a distinct interest in forming a borderland community. This interest is reflected in the institutional form of local government, under which the local authority is exercised. Borderland is always a political force and determines the specificity of power in a given area, often determining systemic solutions in the country. It is obvious that a large role is played by the border strength with which they articulated their needs and the general conditions of political organization within which it operates (system, historical traditions, etc.). In the radically different circumstances, the local government operates in ethnically homogenous Poland. It's not the borderland who has forced decentralization and the need for efficient governance of new political conditions. The needs of the Borderland, at first loudly articulated, have been met mostly by legislation protecting ethnic and national minorities. However, of significance is the example of the Silesian Autonomy Movement as the identity of the Borderland, which is still not satisfied with his own status.

Within the framework of the homogeneous state, there are many opportunities for the borderland to participate in the exercise of local authority. Although the administrative division takes into account the principle of diversity of socio-cultural variety of the country, the administration is a standardized, three-tier system that coexists with government in the area. Each level has a decision-making council or Regional Council in the province and a Board as an executive body. The councils, the Regional Councils and the executive authorities in the municipalities are elected by the local community. Similarly, the tasks are divided equally and harmonized powers, and rules governing the relationship between the administrations in all directions. There is no hierarchical subordination here, the activity is under the protection of the courts of general jurisdiction and is subject to the administrative jurisdiction. The control and supervision of the activities are intended only to verify compliance with the law.

Keywords: borderland, the local authority, border areas, places of power, United Kingdom, Republic of Poland