

Polish-Ukrainian Cooperation in the Scope of Spatial Planning

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Abstract

The following paper summarises Polish experience related to current cross-border cooperation in the scope of spatial planning. The first part presents the legal basis of cross-border cooperation and strategic-planning documents developed so far. The second part focuses on cooperation with the Ukrainian side, both at the level of state administration and working groups developing elaborations for both parts of the border region. It includes a detailed description of the development of one of them—the map of investment projects of the Polish part of the Polish-Ukrainian border region. It presents the scope of works, manner of preparing the maps and the text, and results of the works.

Introduction

Cross-border regions, especially those located in the eastern part of the EU, play a special role in European strategic territorial development planning. Enlargement of the EU by new member states from the former communist block located in Central-Eastern Europe, and opening of borders in those countries due to their accession to the Schengen Area on the one hand changed the geopolitical location and social-economic and legal situation of the countries (EXLINEA “Lines of Exclusion...” 2006). On the other hand, it created new possibilities and development challenges, particularly due to new infrastructural investments co-funded from European Union resources (Dołzbłasz and Raczyk 2007, 2010). This situation also forced changes in the approach to issues related to cooperation in border regions, particularly in the scope of sustainable planning of border regions (Adams, Cotella, and Nunes 2011; Böhme and Waterhout 2008; Dühr, Colomb, and Nadin 2010; Faludi 2002; Rivolin and Faludi 2005; Fritsch 2009; Leibenath, Korcelli-Olejniczak, and Knippschild 2008).

Generally the EU strives for reduction of borders in the spatial and mental sense, and international cooperation in the scope of spatial planning in border regions is supported by the INTERREG Community Initiative (Albrechts, Healey, and Kunzmann 2003; Böhme and Waterhout 2008; Faludi 2002), the situation behind the eastern border of the EU looks somewhat different (Fritsch 2009). The socio-political situation, particularly of Ukraine and Belarus, stuck in a system of a centrally-steered economy, presents new challenges for their neighbour countries (EXLINEA “Lines of Exclusion...” 2006; Krok and Smętkowski 2006), particularly in the scope of development of cross-border cooperation mechanisms and tools, as well as planning that enables such cooperation.

Since 2004 Poland has had a very specific situation. It borders both the ‘old’ (Federal Republic of Germany) and ‘new’ EU member states (Czech Republic and Slovakia), and with countries from outside the EU and Schengen Area (Belarus, Ukraine, and Kaliningrad District). Therefore, it is extremely important for Poland to implement sensible and multidimensional cross-border cooperation based on integrated activities necessary for the accurate functioning and development of border regions. The variety of strategic documents (programmes, development strategies, operative programmes) prepared for border areas, and a large number of resulting investments, entail the necessity of a holistic and systematized approach to the context of their accurate development.

Sustainable territorial-oriented socio-economic development of cross-border regions requires the elaboration and implementation of new solutions in the scope of spatial planning. The development and results of cross-border spatial planning cooperation will be presented on the example of Polish-Ukrainian mutual works.

1 Legal basis of cross-border cooperation in EU and Poland

1.1 Legal basis of cross-border cooperation in the EU

The main legal act that constitutes cross-border cooperation in the EU is the *European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities* (the Madrid Convention) accepted by the members States of the Council of Europe on May 21, 1980.¹ Documents worked out by Association of European Border Regions (AEBR) also play a very important role. Those are: the *European Charter for Border and Cross-border Regions* adopted on 20 November 1981; the *European Charter of Local Self-Government* signed in Strasbourg on 15 October 1985, entered into force on 1 September 1988 and the European Charter of Regional Self-government accepted on June 5, 1997. A new legal instrument such as the European Grouping for Territorial Cooperation (EGTC) was introduced in 2007.

Cross-border cooperation in the field of spatial planning is emphasized in the European Spatial Development Perspective (1999) and the Territorial Agenda of the European Union (2007). In accordance with the ESDP (1999) and the Territorial Agenda (2007), EU Member States should be expected to: create and regularly adjust cross-border spatial planning models and concepts (spatial development concepts) and take these into consideration in national spatial development and sectoral plans (e.g., settlement structure, infrastructure, economy, education); regularly coordinate all spatial planning activities; set up joint cross-border regional—and where useful—land use plans as the most advanced form of cross-border spatial development policy.

1.2 Legal basis of cross-border cooperation in Poland

In 1993, the Republic of Poland as the first state in Central and Eastern Europe, accepted the Madrid Convention and signed the *European Charter of Local Self-Government*. This provided the legal basis for development of international cooperation in border regions.

In later years, Poland signed intergovernmental agreements and arrangements with all its neighbouring countries. They stipulate that government and local self-government administration authorities will contact each other directly on all levels, and conclude relevant arrangements, in accordance with their competences and the internal laws of their countries.

On all Polish land borders, Intergovernmental Commissions or Councils for Cross-Border Cooperation were established, including specialised working groups dealing spatial planning issues (Kociuba 2012). These working teams for spatial planning are responsible for: exchange of information on legal regulations and spatial planning systems in individual countries, preparation of planning documents related to the border region, assistance in solving difficult problems related to the border region, presentation of the results of works of various issue teams (e.g., in the scope of environmental protection, border infrastructure), mainly in cross-border studies and other planning documents, and support for conditions favourable for exchange of opinions of spatial planning experts in individual countries. All of the Intergovernmental Commissions were included in the Ministry of Internal Affairs and Administration.

The legal basis of cross-border cooperation in the scope of spatial planning constitutes Art. 46 of the act of March 27, 2003 on spatial planning and management.² Cooperation in the scope of

1. The Madrid Convention (1980) definition characterizes cross-border cooperation as “any concerted action designed to reinforce and foster neighbourly relations between territorial communities or authorities within the jurisdiction of two or more Contracting Parties and the conclusion of any agreement and arrangement necessary for this purpose.”

2. It stipulates that “the Minister in charge of spatial planning and construction coordinates the conformity of spatial development plans of voivodships with the country’s spatial development concept, conducts cross-border and

spatial planning and management with all Poland's neighbouring countries was initiated by the Ministry of Spatial Planning and Construction, continued by the Housing and Urban Development Office, Ministry of Transport, Construction and Maritime Economy (previous Ministry of Infrastructure, at present the Ministry of Infrastructure and Development) and currently conducted by the Ministry of Regional Development (from 2013).

2 Planning documents

2.1 Study of spatial development

The cross-border study of spatial development (hereinafter referred to as *the Study*) is the basic planning document prepared by working teams for spatial planning. In the years 1994–2001, the *Studies* were prepared, in chronological order, for the following border regions: Polish-Czech (1991–1993, updated 1997, Development Strategy 2000), Polish-German (1994–1995, updated 2002), Polish-Belarussian (part I—1995, part II—1998, updated 2000), Polish-Russian (1995, Polish part only), Polish-Ukrainian (part I—1997, part II—1998, updated 2001), Polish-Lithuanian (part I—1997, part II—1998), and Polish-Slovakian (2000, Synthesis of National Documents 2001) (Kociuba 2012).

After accession of Poland to the European Union in 2004, the approach to preparing *the Study* changed due to the necessity of execution of the cohesion policy. According to the assumptions of *the Study*, it is to constitute an auxiliary tool in the decision process of regional and interregional administration. Due to lack of specific guidelines and legal regulations concerning cross-border spatial planning, works on *the Study* are aimed at: elaboration of a common spatial development policy for border regions and rules of interregional cooperation in the scope of spatial planning; development of instruments supporting formulation of planning and programme documents for further financial perspectives of the EU; and creation of the standard of notation and system of information on spatial planning. Implementation of provisions of *the Study* is aimed also at preparing the border regions for using the European Union funds in the scope of cross-border cooperation in the field of economics, culture, tourism, environmental protection, etc.

To date *the Studies* have been prepared, in chronological order, for the following border regions: Polish-Czech (Synthesis of National Documents, 2006), Polish-German (Guadeline Study 2005, Study of Spatial Integration 2013) and Polish-Russian (part I 2008) which analyses the Polish-Lithuanian border region on the Polish side. Commencement of works on a new edition of *the Study* of the Polish-Slovakian border region was planned for 2011 (Kociuba 2012).

2.2 Map of the investment Project

After 2009, as the initial stage of works in the border region, preparation of the so-called *Map of the investment projects* (hereinafter referred to as *the Map*) was commenced. *The Map* is a graphic study with synthetic description, presenting priority investments in the scope of transport and technical infrastructure, and additionally issues related to nature conservation (as a separate map) within the Polish part of the border region. *The Map* is prepared based on inventory and analysis of all strategic and planning documents accepted for implementation by government and local self-government administration authorities (mainly at the voivodship³ level), as well as other available elaborations referring to the region subject to the study. *The Map* is assumed to constitute a tool of arrangement of any investment projects between the sides of the border. Moreover, *the Map* is to contribute to development by both sides of a common standard qualification of tasks and projects in the scope of infrastructure investments and nature conservation. *The Map* is prepared in GIS technology, in accordance with the INSPIRE Directive standards. *The Map* is to constitute background material for further planning works, including development of new valid documents (*the Study or Strategy of border region development*).

border cooperation in the scope of spatial planning in cooperation with the minister in charge of regional development, and prepares periodic reports on the state of the countries spatial development.”

3. Voivodship—Polish administration region on the NUTS 2 level.

The first map to be developed in 2009 was *the Map of the investment projects of the Polish border region alongside the Polish-German border* at a scale of 1:300 000, including the following voivodships: Zachodniopomorskie, Lubuskie, and Dolnośląskie and presents the transport infrastructure of the aforementioned voivodships. Another map prepared in 2009, entitled: *Map of the investment projects of the Polish part of the Polish-Belarusian border region* in addition to contents related to transport and technical infrastructure, also presents areas valuable in environmental terms and subject to protection (both maps at a scale 1:500 000). The delimitation of the area of the study corresponds with the area of support of the Cross-border Cooperation Programme Poland-Belarus-Ukraine 2007–2013 under the European Neighbourhood and Partnership Instrument (ENPI), and includes the entire Podlaskie and Lubelskie voivodships, as well as a fragment of the Mazowieckie Voivodship, namely the ostrołęcko-siedlecki sub-region⁴ (Kociuba 2012).

3 Cross-border cooperation with Ukraine

3.1 Legal basis of the cooperation and current planning documents

Polish-Ukrainian cooperation commenced on June 5, 1991, two months before the proclamation of Ukrainian independence, upon the signing of the Arrangement on direct cooperation between the Ministry of Construction and Spatial Management of the Republic of Poland and the National Committee of the Ukrainian Socialist Soviet Republic for Architecture, Construction, and Historic Preservation. It included cooperation in the scope of spatial planning in border regions. On the basis of the agreement the work on the *Study of spatial development of the areas alongside the Polish-Ukrainian border* were started.

Two months after the first free parliamentary elections in Ukraine on May 19, 1994, the Arrangement on cooperation between the Ministry of Construction and Spatial Management of the Republic of Poland and the Ministry of Construction and Architecture of Ukraine was concluded, aimed at “striving for expansion and development of mutual beneficial economic and scientific-technical cooperation.” Art. 1 of the Arrangement mentions “spatial planning and urban planning with special consideration of border regions” as one of the cooperation areas.

The legal basis of Polish-Ukrainian cooperation in the scope of spatial management constitutes the Arrangement on cooperation signed on June 25, 1996 between the Ministry of Construction and Spatial Management of the Republic of Poland and the Ukrainian National Committee for Urban Planning and Architecture. It resulted in appointment of the Polish-Ukrainian Commission for Spatial Management. The Commission’s tasks according to the provisions of the Arrangements are:

- exchange of information and mutual consultations in the scope of spatial management
- preparation of proposals of studies and documents for the purposes of border regions
- preparation of proposals concerning development of cooperation between Polish and Ukrainian authorities and organisations in all areas of spatial management
- mutual assistance of the sides in solving current problems related to the economic-territorial structure of border regions

The first meeting of the Polish-Ukrainian Commission for Spatial Management was held in December 1996 in Lutsk, Ukraine. At the meeting, the Commission’s Regulations were accepted, and the course of works on the “Study of spatial development of the areas alongside the Polish-Ukrainian border” was discussed, executed in the scope of actual cooperation implemented based on the Arrangement of 1991 by the Institute of Spatial and Municipal Management in Warsaw and the National Company Ukrainian National Scientific-Research Institute of Urban Design “DIPROMISTO” (hereinafter referred to as “DIPROMISTO”) in Kiev. Two documents were presented: the “Report on the state of spatial development” and “Development objectives and directions.” Moreover, a working group comprised of experts from both institutes was established for the purpose of completing the works. Both parts of the Study were finally developed by 1998.

4. Sub-region—region on the NUTS 3 level.

The second meeting of the Commission was held in Nałęczów in December 1999. At the meeting, the Commission accepted both parts of *the Study*, specifying a further cooperation schedule. The Commission arranged the preparation of a common planning document for the Polish-Ukrainian border region (with a deadline of 2015), emphasising respect for the rules of sustainable development of the border strip in the scope of transport, technical, social, settlement, and environmental infrastructure in the course of planning in both countries. Moreover, the Commission arranged preparing for an update of the “Study of spatial development along the Polish-Ukrainian border – Part II,” which after its approval was to constitute the basis of recommendations of solutions for designing border regions at the regional and local level. It was also deemed expedient to prepare a Polish-Ukrainian glossary of terms related to spatial management.

In 2001, the Polish side completed work on updating the Polish part of the “Study of spatial development along the Polish-Ukrainian border.” The document was submitted to the Ukrainian side, and further presented at the 2nd meeting of the Polish-Ukrainian Intergovernmental Coordination Council for Interregional Cooperation, held in 2002 in Warsaw. At the meeting, the newly appointed Commission for Spatial Planning into the Council was confirmed. The new Commission assumed the competence of the Polish-Ukrainian Commission for Spatial Management. The Commission confirmed the necessity to develop a common planning document for the Polish-Ukrainian border region.

After several years, at the 3rd meeting of the Commission for Spatial Planning in Nałęczów in 2009, work on the new document was divided into stages. It was agreed that at the 1st stage of the works, both sides would develop the *Map of investment projects* to constitute the basis of further common works in the scope of spatial planning, and particularly assessment of space in terms of possibilities of location of transport, technical, and tourist infrastructure, business activities, and border crossings. According to the arrangements, the maps should be executed in GIS technology, pursuant to the standards of the INSPIRE directive. The 2nd stage of the works assumes preparation of a common planning document for the Polish-Ukrainian border region indicating possibilities and directions of further development of the entire region. Co-financing of the document from the EU resources was considered.

3.2 “Investment project map of the Polish part of the Polish-Ukrainian border region”

The “Investment project map of the Polish part of the Polish-Ukrainian border region” (hereinafter referred to as *Map*) includes the area of the Polish part of the border region corresponding to the area of support of the Cross-border Cooperation Programme Poland-Belarus-Ukraine 2007–2013, including the entire Lubelskie and Podkarpackie voivodships. The total area of the region discussed amounts to 13,7% of the area of Poland. The region is often called “the Eastern Wall” or “Poland B.” It is poor, mainly agricultural, with a low level of urbanization,⁵ unfavourable demographic processes (Bański and Flaga 2013), and a weakly developed transportation network, but rich in unique nature and natural resources strategic on the Polish (prospectively also European) scale (Kawałko 2011). This results in a number of conflicts, not only in relation to space, but also to the environment, which requires sensible spatial planning activities.

3.2.1 Procedure and results of work on the Map on the Polish side

The legal basis of preparation of the Map constitutes the agreement concluded between the Ministry of Infrastructure of the republic of Poland and the Institute of Earth Sciences of the Maria Curie-Skłodowska University in Lublin—the contractor of the Map on the Polish side. The contractor on the Ukrainian side was “Dipromisto” from Kiev.

The objective of the Map was to present in graphic and descriptive form investments in the scope of environmental protection and transport, technical, economic, and social infrastructure, approved by government and self-government authorities, significant for the development of the cross-border areas of the Polish-Ukrainian border region.

5. Only Lublin—the capital of the Lubelskie Voivodship—has a population of over 300 thousand (i.e., it can be treated as transnational/national FUA, according to the ESPON 2004 classification). The second largest voivodship capital, Rzeszów, has a population of over 170 thousand.

Pursuant to arrangements of the Commission for Spatial Planning of the Polish-Ukrainian International Coordination Council for Cross-border Cooperation of 2009, a meeting of working groups from Poland and Ukraine was organised. The meeting was held in September 2010 in Lublin, and was dedicated to arrangements concerning:

- the scope of works on the Polish and Ukrainian side
- discussion on the draft of the *Map* legend prepared by the working group from the Institute of Earth Sciences of the Maria Curie-Skłodowska University
- selection of software for the execution of *Maps* (ArcView software was assumed)
- development of a Polish-Ukrainian dictionary of spatial planning terms

Also the manner of implementation of the second stage of the works was discussed, including consideration of potential financing sources.

After the meeting in Lublin, the map legend was arranged with representatives of spatial planning offices from Lublin and Rzeszów, and then sent for approval by the Ukrainian side. During further consultations, terminology related to forms of environmental protection was determined. A list of terms necessary for further cooperation was also prepared to be extended and supplemented at the following stage of the works.

Work on the map commenced. First, an inventory and analysis of strategic and planning documents at the national and voivodship level was performed. In total, approximately 100 documents were analysed, including strategic documents at the national level, Operational Programme Development of Eastern Poland, Operational Programme Infrastructure and Environment, development strategies of voivodships, spatial development plans of voivodships, and other available documents concerning issues in the scope of planning of technical, transport, social, and environmental protection infrastructure in the Lubelskie and Podkarpackie voivodships.

The next stage involved qualification of projects. The document included projects with regional significance whose functioning may influence social-economic development at least at the voivodship scale. Among the investment projects, projects included in official and valid documents (legal deeds, resolutions of the government, regional parliaments, or voivodship governments) were considered. Investments approved or planned for the period by 2015 and by 2020 were considered. Projects were divided into three groups: existing, designed, and planned. The “existing” investments were those which were officially commissioned. Projects included in operational documents including specific financial obligations were classified as “designed.” Proposals of investments included in strategies, plans, etc. not related with the budget were determined as “planned.” Among planned and designed projects, only those were considered whose implementation had not commenced or was still under way.

The graphic study was determined to include the following issues:

- a system of protected areas
- a network of settlement units
- transport and technical infrastructure

In addition to the aforementioned, the descriptive part also discusses public purpose investments with socio-economic significance, and refers to tasks resulting from the Water Directive and assumptions resulting from the concept of the Bug and Karpaty Euroregions.

The work was conducted based on the base map at a scale of 1:250 000 and reference frame of 92. The maps were developed in ArcView software. Each of the thematic layers was ascribed relevant attributes. Due to this, it is possible to obtain additional information concerning for example the area of a given region, length of linear objects, number of inhabitants, etc. The application of the GIS technology will allow for combination of the contents of the Polish and Ukrainian studies in one map. The digital graphics of the map also allow for reproduction of the material at any scale adjusted to current needs.

Results of the work were presented in the form of:

- 2 collective maps (prints at a scale of 1:250 000):
 - technical infrastructure and transport system
 - network of protected natural areas
- synthetic description with demonstrative maps

Both maps present the network of settlement units, and the map with environmental protection includes the main roads and railways. Work on the “Investment project map of the Polish part of the Polish-Ukrainian border region” was completed in February 2011. Results after expert consultations revealing no inaccuracies were placed on the webpage of the Ministry of Infrastructure. The *Map* was presented at the 9th Meeting of the Polish-Ukrainian International Coordination Council for Interregional Cooperation, held in March 2011 in Lviv.

3.2.2 Work on the Ukrainian side

The analogical Map including the Ukrainian part of the border region is prepared by the partners from Ukraine. Pursuant to the schedule accepted by the Ukrainian side, the actual work of the Ukrainian working team was commenced after completion of work of the Polish side. According to the guidelines of central authorities, in addition to the areas of the border region on the Ukrainian side (i.e., Volyn Oblast, Lviv Oblast, and the Velykoberezhnyanskyi region from the Zakarpattia Oblast), the map of the Ukrainian side also includes the Lubelskie and Podkarpackie voivodships. Preliminary partial maps at small scales presenting the settlement system, protected areas, and transport and technical infrastructure (transmission lines, electricity supply) were presented during the aforementioned meeting of the Polish-Ukrainian Intergovernmental Coordination Council for Cross-Regional Cooperation in Lviv in 2011. The final maps of both the Polish and Ukrainian sides were presented during the 4th meeting of the Commission for Spatial Planning in Kiev in April 2012.

3.2.3 Plans for the future

The further stage of the work involved the development of a common *Map* for the entire Polish-Ukrainian border region. This map will allow both sides to estimate the degree of compliance and discrepancy of planning concepts. In consequence, it will create the possibility for verification of their own projects and development of guidelines for further common investment projects.

Development of the *Map* for the entire border region will complete the first phase of preparatory works for development of the new “Study of spatial development of the Polish-Ukrainian border region”. The outline of the new study is prepared by the Technical University of Lublin. According to the arrangements, the Polish side will apply for financing of the common document from the EU resources (e.i., ENPI Poland-Belarus-Ukraine).

Summary

Coherent development of the EU requires the cooperation of the member states in the scope of spatial planning. It is particularly important in the case of cross-border regions located both inside and outside of the European Union. Due to the lack of binding general EU legal regulations or spatial planning procedures, international cooperation in the scope of planning in cross-border regions is usually based on agreements and arrangements, and the intensity of such work largely depends on the goodwill of both sides.

The basic planning documents (i.e., cross-border *Studies*) are updated or prepared anew for most of the cross-border regions. Such studies are an example of modern integrated planning. It should be emphasised, however, that in order to reach full effectiveness, the introduction of a statutory requirement to arrange the content of strategic-planning documents by each of the parties is needed. This need was also recognised and included in the new national strategic documents. According to the provisions of the *National Spatial Development Concept 2030*, the need will be met by preparing, at the national level, a target of six to eight macro-regional spatial and social-economic development strategies covering areas located on both sides of the border (NDSC 2030). The “Studies of cross-border regions” will constitute excellent material to become the basis for their preparation.

From the perspective of harmonious cooperation, particularly with countries on the eastern borders of Poland, the decision on the preparation of the *Investment Plan Map* as a document preceding the development of the *Study* seems to be justified. The methodology and graphic form

of the *Map* developed by the Polish side constitutes model material for foreign partners, which significantly contributes to their work. Therefore, it should be emphasised that works on common strategic-planning documents are not only an example of international cooperation, but also a learning process, because they considerably contribute to the transfer of knowledge, experience, and popularisation of new tools. Work on common documents leads to overcoming administrative and legal boundaries. This is the key condition of effective cross-border planning in the scope of European integration.

A significant achievement in the scope of spatial planning in cross-border areas is represented by the fact that the preparation of such documents, and particularly the *Map*, is not only an example of the implementation of the EU Territorial Agenda, but also a contribution to the debate on the coherence policy. The *Map* is a perfect tool applicable to the coordination of planning and strategic elaborations and documents at various levels. Therefore, it can effectively support the decision making process of the regional and supra-regional administration. The *Map* together with its descriptive part permits the evaluation of space in terms of possibilities regarding the location of economic, infrastructural, and tourist activities. This is of paramount importance for future planning solutions in the scope of designing cross-border regions at the regional and local level. It also permits the development of new tools for conducting coordinated activities in the scope of selection of a coherent policy of development of cross-border regions.

Due to the above, it seems justified to prepare *Investment Plan Maps for cross-border areas* according to the standards and procedures developed by Poland in the remaining EU member states. This would largely contribute to the improvement of the quality of cross-border cooperation and effectiveness of activities in the scope of cross-border spatial planning.

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