

mgr Przemysław Charzewski
Department of Public Administration
Faculty of Law, Administration and Economics
University of Wrocław

ACTIVITIES VII

Regionalism and regionalisation

Some time ago, we considered the question of what the regions are. Recently, there was talk of the European Union's regional policy. Meanwhile, it is time to make some conceptual additions.

Region, regionalism and regionalisation are actually concepts that have very fluid boundaries. In a sense, both regionalism and regionalisation can be considered to have similar meanings, except that the former has a static sense and the latter a dynamic sense. It depends, moreover, on the interpretation. I will try to demonstrate this below. Let me start, however, with the historical thread.

Regionalism as a movement emerged in the 19th century and was born mainly out of the Napoleonic Wars. It was a movement against political integration, cultural homogenisation and state centralism, which Napoleon Bonaparte was so sympathetic to. The ideals of Romanticism, which referred to folklore, history and, as T. Bogusz writes, national and liberation moments, contributed to this. The national movements that emerged were characterised by a national revival, a sense of individuality, attachment to the mother tongue, the creation of literature nurturing the native language, history and culture, as well as an attitude to the protection of one's own territorial collectivity against foreign nation-building processes. All this in turn further contributed to the consolidation of large social groups, as well as to these groups being called nations. Hence the emergence of states as we know them today, with their own societies, governments, laws and constitutional institutions.

Nineteenth-century regionalism originated in countries such as France and Belgium and reached Spain and Italy in the twentieth century. It is an expression of the internal diversity of a state and the specific states of consciousness and bonds of social groups that inhabit its territory. It is a way for these groups to achieve a certain degree of distinctiveness on a national scale, assuming that their structures and organisation are accepted. This is all in order not to harm uniformity. As a phenomenon it aims at the empowerment of regions and communities inhabiting them [**Bogusz 2005, Vol. LXVIII, p. 241 et seq.**]

J. Lemańska quotes the definition of Z. Chojnicki and T. Czyż, who think that regionalism is a certain state of social consciousness, dominating in the community of inhabitants of the region and its opinion-forming circles, which is to contribute to the shape and understanding of the notion of regional self-governmental community. As we read further on, this concept is to refer also to economic, cultural and political activity of this community, which will be manifested in basic functions that the law gives to regions in the modern world [**cited after: Lemańska 2008, p. 147**].

Later, the same author also addresses the issue of regionalisation. At the beginning we learn that the phenomenon occurs mainly in European countries, especially the so-called Western European countries. The sources and causes of this phenomenon are historical in the case of Germany and Austria; cultural in the sense of distinctiveness in Italy, or even - note - nationalistic, as in the case of Spain. Hence there is now talk of the formation of federal or regional states. In countries where there was no tradition of regionalisation on a large scale, such as France or Poland, regional structures were indeed introduced, but these countries have remained unitary to this day.

One might even say, following the author cited above, that strong regionalism occurs where there are economically strong regions. It may even be a quest for greater independence or autonomy.

The inclusion of the regions in the process of European integration can be seen as bringing the EU institutions closer to the citizens and thus creating more opportunities for European citizens to participate in the decision-making process. This stems from the need for a stronger emphasis on local problems and needs and for regions to be represented at European level. However, the need for European institutions to gain democratic legitimacy and acceptance of the society is also mentioned [**Lemańska 2008, p. 148 and the authors cited therein**].

Regionalisation *sensu largo* is the division of the country not only into autonomous or self-governing regions, but also into self-governing and self-governing regions. In the latter, power is exercised by state functionaries or, as in the latter case, central government agencies function alongside local government executive and decision-making bodies. The latter category also includes the division into functional regions, which is associated with the existence of only decentralised state administration agencies in the regions.

Regionalisation *sensu stricto* looks a little different. There are two faces to it. The first is related to regions in complex states. Regions in these states have normative powers, as well as numerous exclusive and fiscal competences. The second face relates to unitary states. Here regions, despite certain legislative powers, must respect the hierarchy of sources of law applicable throughout the state. This is why one speaks here of decentralisation rather than regionalisation *sensu stricto* [**Lemańska 2008, pp. 149 - 150 and the authors cited therein**].

Today, regional states are sometimes regarded as an example of a failed compromise between what is typical of a unitary state and elements characterised by autonomy. The Spanish have a different experience, and the Italians have a different one. Belgium has yet another. What is crucial here, however, is a clear definition of legislative competences between the central government and the regions, efficient cooperation mechanisms and effective administration. It is also indispensable to differentiate the legal and organisational position of regions corresponding to their historical and cultural traditions, but also to the expectations of their inhabitants and opportunities for dynamic development [**Kozłowska 2019, pp. 77 and 80**].

Three things deserve special emphasis here. Firstly, the modern state has been relegated to the role of coordinator, with local authorities taking centre stage in regional policy. Secondly, the European Union does not interfere in the systemic solutions of Member States. Issues such as the degree of decentralisation, autonomy or division of tasks between the central and regional levels are the domain of the Member States. Thirdly, despite the intention to strengthen the role

of the Committee of the Regions, its importance remains marginal to the problem of tensions on the grounds of autonomisation [**Kozłowska 2019, pp. 81 - 82**].

It is also impossible to move on to the concluding thread without touching on the issues of the federal state and territorial autonomy. These are issues that have a significant impact on the understanding of the issues discussed.

In a sense, it can be assumed that the concepts of federation and autonomy intersect. In J. Sutor's diplomatic lexicon we read that autonomy, is: "is a broad power of self-government in a part of the state's territory, mostly defined in the constitution. It may mean the right to settle certain internal matters of the community living on that part of the state's territory, as well as regulate matters related to administration, culture, etc. In turn, wide autonomy in this sense is to be enjoyed, among others, by individual parts of the territory of states with a federal system, i.e., for example, such as the USA, the Federal Republic of Germany, the Russian Federation [**Sutor 2017, pp. 46 - 47**].

The essence of the federal states themselves lies in the fact that they are divided into constituent parts, which retain a high degree of autonomy and independence. Each of these parts has its own legal system, in addition to which they all share a common system. The federal states can have a centralised structure, which means that, after the division of tasks and competences between the union as a whole and the states, greater importance is given to the union. They can also have a decentralised structure. In the case of the latter, it is more a question of extending the competences of the federal states (these can be federal states, states, provinces).

The opposite of federal states are naturally unitary states. They have one legal system and a uniform internal organisation. Their territorial division has only an administrative and political character [**Banaszak, Preisner 1996, p. 229**].

From this perspective, one can ask whether, for example, unitarism and autonomy are mutually exclusive. This is quite important in view of the subject of our investigations. It turns out that just as regions themselves, regionalisation and regionalism do not have a single face in every country, so the issue of the relationship between unitarism and autonomy in this context does not have a single face. Rather, in Poland it is recognised that unitarism and autonomy are mutually exclusive. The conclusions concerning Italy indicate something different, as evidenced by the wording of certain provisions of the Italian Constitution - here, for example, Article 5 of the Constitution of the Italian Republic. The principle of unitarism does not therefore exclude territorial autonomy there [**Szewczyk 2019, p. 140**].

It is also worth noting that in Italy the concept of autonomy is not associated exclusively with the competences of the regions and two provinces, i.e. Bolzano and Trento, which have been defined within the limits set by the provisions of the Constitution of the Italian Republic and organic statutes in the exercise of legislative authority. As M. Szewczyk points out, the autonomy of local units in the science of Italian administrative law consists, among others, of statutory autonomy, financial autonomy and autonomy concerning the power to issue normative regulations of executive nature, which at the same time are of a lower rank than statutory or statutory regulations [**Vandelli, p. 286 et seq.: cited after Szewczyk 2019, pp. 144 - 145**].

In Poland, moreover, as M. Szewczyk such an understanding of territorial autonomy does not exist. The above would be seen at most as additional elements that accompany

autonomy. Thus, in Poland they would only be attributes of the decentralisation of public authority [Szewczyk 2019, p., 145].

To sum up, it may be said that the level of regionalism and regionalisation depends to a large extent on widely understood historical and even socio-political conditions. However, the economic strength of the region is also of considerable importance, which was referred to not only by J. Lemańska quoted earlier, but also by D. Strahl in a reference to T. G. Grosse [Strahl 2004, no. 11, p. 28].

Bibliography:

Banaszak B., Preisner A. 1996, *Prawo konstytucyjne. Wprowadzenie*, Wrocław

Bogusz T., *Polityczno-prawna koncepcja regionalizmu*, "Przegląd Prawa i Administracji" 2005, Tom LXVIII

Chojnicki Z., Czyż T., *Region - regionalization - regionalism*, "Ruch Prawniczy, Ekonomiczny i Socjologiczny" 1992, no 2

Kozłowska M. 2019, *Autonomy and regionalism vs. state integrity*, [in:] *Decentralization and centralization of public administration. Contemporary dimension in theory and practice*, eds. B. Jaworska-Dębska, E. Olejniczak-Szałowska, R. Budzisz, Warsaw - Łódź

Lemańska J. 2008, *Region, regionalizm, regionalizacja w europejskiej przestrzeni pojęciowej*, [w:] *Prawne problemy regionalizacji w Europie*, red. K. Nowacki, R. Russano, Wrocław

Strahl D., *Dysproporcje rozwojowe w regionalnej przestrzeni Unii Europejskiej*, "Samorząd Terytorialny" 2004, no 11

Szewczyk M. 2019, *Unitary nature of the state and territorial autonomy (local and regional) on the example of the Italian Republic - conclusions for the Republic of Poland*, [in:] *Unitary nature of the state and territorial self-government*, eds. M. Stec, K. Małysa-Sulińska, Warsaw

Sutor J. 2017, *Leksykon dyplomatyczny*, Warszawa

Vanelli L. 2006, *La Repubblica delle autonomie nella giurisprudenza costituzionale*, [in:] *La Repubblica delle autonomie nella giurisprudenza costituzionale*, eds. A. Pioggia, L. Vandelli, Bologna