

niejednoznaczna w swojej treści. Znajduje ona swoje źródło w normach prawa materialnego. Dyspozycja płynąca z polecenia w niektórych sytuacjach będzie konkretna wówczas, gdy właściwy organ gminy nie zrealizuje ciążącego na nim zadania publicznego, określonego w prawie pozytywnym, oczywiście po spełnieniu warunku określonego w art. 22 pkt 2 u.w.rz.w. Polecenie wojewody może przybrać także charakter bardziej ogólny, skierowany na zrealizowanie określonego celu. Uważamy, że obecne rozwiązania prawne w zakresie regulacji sytuacji nadzwyczajnych nie zapewniają oczekiwanej skuteczności i sprawności działań wojewody. Samorządy terytorialne powinny mieć jasno i zrozumiale określone zadania i kompetencje. Relacje prawne pomiędzy wojewodą a organami samorządu terytorialnego powinny być jednoznaczne, a przede wszystkim skuteczne. Doprecyzowania wymaga pojęcie „kierowania” wobec organów gmin. Polecenia kierowane przez wojewodę powinny zostać wyposażone w elementy sankcji, tak by zadanie zostało zrealizowane w sposób niebudzący kontrowersji.

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**LEGAL RELATIONSHIP BETWEEN A VOIVODE
(A PROVINCIAL GOVERNOR) AND THE AUTHORITIES
OF MUNICIPAL SELF-GOVERNMENT IN EMERGENCY SITUATIONS.
SELECTED ISSUES OF ADMINISTRATIVE LAW**

Public administration should be always prepared to carry out public tasks for the inhabitants. Its role increases and the tasks become more complex and difficult in emergency situations. According to the legislator, emergency situations are those which aim to prevent danger to life, health or property, threats to the environment, national security and public order, the protection of civil rights, the prevention of natural disasters and other extraordinary risks, as well as combating and removing their effects under the terms laid down in separate acts. In a province a special role is attributed to a voivode (a provincial governor) who performs the tasks arising from emergency situations together with the authorities of governmental administration and self-government. He/she becomes the actual executor of the public interest. Public administration authorities responsible for the prevention of emergency situations are a part of the administrative police.

Legal relations that occur between a voivode, who is an element of the centralized governmental administration, and local self-government authorities, which are decentralized entities, always finds its expression in the current norms of positive law. These relationships usually take the form of management, coordination, cooperation and control. A voivode is responsible for the management of activities in case of crisis management, in the state of emergency, in the state of natural disaster and for the execution of defensive tasks and civil defense during the martial law. The coordination of the activities of self-government authorities by a voivode includes planning and imposing the obligation of

personal services. On the other hand, the voivode's current supervision and control include issues relating to military qualification. In emergency situations, which are referred to in art. 22 p. 2 of the law on a voivode and government administration in a voivodeship, a voivode may issue official orders which are binding for municipal self-government authorities which are a part of decentralized administration, relatively independent from government administration bodies. The legal nature of the orders is not defined by law so it is often unclear. Their scope is not the same in each case. It is wider in case of orders addressed to government bodies because they are regulated by positive law. On the other hand, the scope of orders addressed to local self-government bodies is narrower because their statutory obligations are specified in the provision of substantive law and do not refer to issues that are the domain of governmental administration in a voivodeship. The legal relationship between a voivode and municipal self-government authorities should be unambiguous and, above all, effective. In order to achieve that, the orders of a voivode should be supplemented with appropriate sanctions which would ensure the effective implementation of public tasks in emergency situations.