



SUB-MUNICIPAL
GOVERNANCE IN EUROPE:
DECENTRALIZATION
BEYOND THE
MUNICIPAL TIER

EDITED BY NIKOLAOS-KOMNINOS HLEPAS,
NORBERT KERSTING, SABINE KUHLMANN,
PAWEL SWIANIEWICZ, AND FILIPE TELES



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Nikolaos-Komninos Hlepas
Norbert Kersting • Sabine Kuhlmann
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Editors

Sub-Municipal Governance in Europe

Decentralization Beyond the Municipal Tier

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Editors

Nikolaos-Komninou Hlepas
Political Science and Public
Administration
National and Kapodistrian University
of Athens
Athens, Greece

Sabine Kuhlmann
Political Science, Public Administration
and Organization
University of Potsdam
Potsdam, Germany

Filipe Teles
Department of Social, Political and
Territorial Sciences
University of Aveiro
Aveiro, Portugal

Norbert Kersting
Department of Political Science
University of Münster
Münster, Germany

Pawel Swianiewicz
Department of Local Development
and Policy, Faculty of Geography and
Regional Studies
University of Warsaw
Warsaw, Poland

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FOREWORD

This publication is meant to extend our knowledge about the sub-municipal governance in Europe. It offers country analyses about the multifaceted institutional world below the city level of government, called “sub-municipal units” (SMUs). The book contains analyses of sub-municipal governance in countries with markedly different administrative contexts and local government systems that are also reflected by the variety of SMU structures across the European continent. Thus, the Continental/South European Napoleonic type is represented by case studies on Greece, Portugal and Spain, the Continental European Federal type by Germany and Belgium (Flanders/Antwerp), the Anglo-Saxon type by the UK, the Nordic type by Norway (Oslo), and the Central Eastern European type by the Czech Republic, Poland, and Slovenia. This selection of country cases enables the reader to draw conclusions on how different administrative profiles and local government traditions influence—in combination with other factors—the implementation and actual functioning of SMUs.

This book is an outcome of the COST-Action IS 1207 “Local Public Sector Reforms: An International Comparison (LocRef¹),” which the authors of this preface had the honor to serve as chair and vice-chair from 2013 to 2017 within the EU/Horizon 2020 framework. The main objective of LocRef was to identify approaches and effects of local public sector reforms from an international comparative perspective, to explain these approaches/effects, and to draw lessons for future policymaking. LocRef embraced more than 300 senior and early stage researchers in 31 countries from about 60 academic institutions. Based on a shared European

perspective, it brought together academics and practitioners in order to jointly assess the hitherto scattered and dispersed information bases on local public sector reforms, to generate new comparative knowledge, and to develop policy-relevant frameworks in order to design future modernization processes in Europe. The overarching questions addressed by LocRef were:

Which approaches and effects of local public sector reform can be identified from an international comparative perspective? How can these be explained? What lessons can be drawn for policymaking?

The following basic reform trajectories were studied within four specialized working groups:

1. Reorganization of Local Service Delivery, so-called External (Post-) NPM Reforms (LocRef working group I)
2. Managerial Reforms, so-called Internal (Post-)NPM Reforms (LocRef working group II)
3. Territorial and Functional Re-Scaling (LocRef working group III)
4. Democratic Renewal (LocRef working group IV)

The volume presented here in particular draws on the activities of LocRef working group III on “Territorial and Functional Re-Scaling,” chaired by Nikos Hlepas, Reto Steiner, and Ellen Wayenberg, as well as on important contributions coming from working group IV on “Democratic Renewal,” directed by Colin Copus, Bas Denters, and Anders Lidström. The two working groups have joined their forces and invested many efforts to realize this book project. It is a prime example of successful academic cooperation across borders, institutions, and disciplines and represents a major contribution to the advancement of the international study of local governance.

Vice-Chair of LocRef, KU Leuven, Belgium
Chair of LocRef, University of Potsdam, Germany

Geert Bouckaert
Sabine Kuhlmann

NOTES

1. Refer to <http://www.uni-potsdam.de/cost-locref/>.

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Introduction: Decentralization Beyond the Municipal Tier

*Nikos Hlepas, Norbert Kersting, Sabine Kuhlmann,
Pawel Swianiewicz, and Filipe Teles*

BACKGROUND

Municipalities have been sub-divided into sub-municipal territorial units since many years and in many different countries in Europe. The Portuguese Freguesia, the Polish sołectwo, the German Stadtbezirk,

N. Hlepas (✉)

Faculty of Political Science and Public Administration, National and Kapodistrian University of Athens, Athens, Greece

N. Kersting

Department of Political Science, University of Muenster, Muenster, Germany

S. Kuhlmann

Lehrstuhl für Politikwissenschaft, Verwaltung und Organisation, Universität, Potsdam, Germany

P. Swianiewicz

Faculty of Geography and Regional Studies, Department of Local Development and Policy, Univeristy of Warsaw, Warszawa, Poland

F. Teles

Department of Social, Political and Territorial Sciences, University of Aveiro, Aveiro, Portugal

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different kinds of parish councils, neighborhood bodies, city boroughs and arrondissements show the variety of sub-municipal units. Most of them can lean on long-lasting traditions, following older communities and old historical paths. They were serving practical purposes, while they were, in most cases, embodying socio-cultural identities and expressing local communities.

In recent decades, reforms introducing or re-organizing sub-municipal territorial units have been initiated in several European countries, including the UK, Germany, Spain, Greece and Portugal, Central and Eastern Europe, as well as some cities in Scandinavia, the Netherlands and Belgium (an overview by Swianiewicz 2015: 173–174). Many of these reforms were attempting to strengthen participatory democracy (Daemen and Shaap 2012; Kersting et al. 2009; Kersting 2016) or representation of different territories in municipal decision-making (Van Ostaaijen et al. 2012), while optimizing territorial structure of municipal administration and increasing service efficiency were not regarded as less important reform drivers (Griggs and Roberts 2012: 185). Sub-municipal governance is often seen as an appropriate tool to counterbalance the negative effects of size, in terms of municipal area or/and population, sometimes in rural areas following amalgamation reforms (e.g. in Germany or Greece), other times in big cities facing negative effects of urban density and overcrowded services with overstretched catchment areas, while simultaneously suffering from alienation and civic disengagement.

A COMMON LEGAL FRAMEWORK?

The most important common legal framework for Local Self-Government in Europe, the European Charter of Local Self Government (ECLSG), does not refer to the sub-municipal level. But, the *Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority* that was opened for signature as a convention by the states signatories in 2009 seems to address the issue of sub-municipal governance. According to this additional protocol (art. 1 par. 2), “the right to participate in the affairs of a local authority denotes the right to seek to determine or to influence the exercise of a local authority’s powers and responsibilities” and the law (art. 1 par. 3) “may provide particular measures for different circumstances or categories of persons”. In article 2 (“Implementing measures for the right to participate”) of the additional protocol it is said that measures for the exercise of the right to

participate shall include, among others: “.ii. securing the establishment of: a procedures for involving people which may include consultative processes, local referendums and petitions and, where the local authority has many inhabitants and/or covers a large geographical area, measures to involve people at a level close to them;...”.

Up to now, this Additional Protocol has already been signed by 15 member states of the Council of Europe (Belgium, Norway and the UK being among them), while the Council of Europe had already previously adopted pertinent recommendations, such as the *Recommendation Rec(2001)19 of the Committee of Ministers to member states on the participation of citizens in local public life*, which was “...considering that, in certain circumstances, the level of trust people have in their elected institutions has declined and that there is a need for state institutions to re-engage with and respond to the public in new ways to maintain the legitimacy of decision-making...”. More precisely, this Recommendation asked the states to develop:

... both in the most populated urban centres and in rural areas, a form of neighborhood democracy, so as to give citizens more influence over their local environment and municipal activities in the various areas of the municipality. More specifically:

1. set up, at sub-municipal level, bodies, where appropriate elected or composed of elected representatives, which could be given advisory and information functions and possibly delegated executive powers;
2. set up, at sub-municipal level, administrative offices to facilitate contacts between local authorities and citizens....

Furthermore, the Recommendation Rec(2003)2 of the Committee of Ministers to member states on neighborhood services in disadvantaged urban areas (adopted by the Committee of Ministers on 13 February 2003) asks the member states to “...set up bodies, such as neighborhood councils, either elected or composed of elected representatives, which could be given advisory and information functions and possibly delegated executive powers;—encourage local residents to become involved—directly or via neighborhood associations—in the design and implementation of projects which have a direct bearing on their neighborhood;—appoint, through local authorities, elected representatives specifically responsible for monitoring neighborhood problems on a cross-sectoral basis (allocation or delegation of powers on a geographical as well as subject-specific basis”.

CONSTITUTIVE ELEMENTS OF SUB-MUNICIPAL DECENTRALIZATION

These multiple attempts of the Council of Europe to encourage and trigger the institutionalization of neighborhood bodies and services in Europe could lean upon previous experience in many European states. As already pointed out, different countries had developed a rich variety of sub-municipal institutions. Out of the plethora of intra- and sub-municipal decentralization forms (reaching from local outposts of city administration to “quasi-federal” structures), this book focuses on territorial sub-municipal units, which combine multipurpose territorial responsibility with democratic legitimacy and can be seen as institutions promoting the articulation and realization of collective choices at a sub-municipal level (Ostrom and Ostrom 1970). These kinds of sub-municipal organizations/entities should be concentrating the following characteristics:

- *Sub-municipal territorial jurisdiction*: They have territorially defined competence over a specific sub-area of the municipal territory.
- *Multipurpose*: They have responsibilities in different policy fields; they are not single-purpose organizations.
- *Not a fully independent layer of local government and without exclusive territorial jurisdiction over local affairs and citizens*: They function as territorial parts of a municipality. That means that even if they have their own legal personality and even if they reach a kind of semi-autonomy, their territory is an integral part of the municipal area, their citizens are also citizens of the municipality and municipal decisions are directly (without the need for additional sub-municipal decisions/approvals—possibly with few exceptions) being implemented at sub-municipal level.
- *Democratic legitimacy/accountability*: They are governed by democratically elected (directly or indirectly) bodies, or even by popular assemblies. This does not imply that national legislation regulating how sub-municipal councils/boards are elected would be a precondition. Municipal statutes and soft laws introducing democratic election of sub-municipal boards/councils/chairs, etc. could be issued by individual municipalities (as it is the case in Poland and elsewhere).

- The aforementioned characteristics are the constitutive elements for the definition of sub-municipal governance, which is analyzed in this book: it refers to *multipurpose sub-municipal units with territorial competence and democratic legitimacy which do not constitute a fully independent layer of local government and do not possess exclusive territorial jurisdiction over their local affairs and citizens.*

These sub-municipal units are political entities (Peteri 2008) connecting individual citizens and governments and providing mechanisms of political and social accountability. A main task of sub-municipal governance is to enhance the legitimacy and responsiveness of municipal institutions. Furthermore, they provide local knowledge in political agenda setting and decision-making and often fulfill administrative functions.

DIFFERENT IN URBAN AND RURAL AREAS

The rationale and origin of sub-municipal units in Europe is usually different in urban (especially large cities) setting and in rural areas.

In big cities, sub-municipal governance is supposed to give voice to different city parts and at the same time offer to central city leadership the possibility to come closer to and cooperate with different initiatives and groups located in these city parts. Central city administrations in big cities are often suffering from overparticipation and bureaucratization, disregarding modern urban complexity and creating distance from citizens and different communities within city borders; therefore, they need sub-municipal institutions as a remedy. Sub-municipal units can play an important role in agenda setting, decision-making, policy implementation and feedback; they can promote sustainable urban regeneration and planning, decentralized technological innovation (e.g. in energy) and social innovation (sub-local social welfare systems and networks).

In rural areas, sub-municipal institutions have usually deep historical roots, related to various forms of self-government on a village level. The names *parish*, *freguesia* (in Portugal), *sołectwo* (in Poland), *kmetstvo* (in Bulgaria) and several others clearly refer to that tradition. In some countries, their existence is perceived as more “natural”, compared to sub-municipal institutions in urban settings. Frequently, they have been created in order to facilitate the implementation and mitigate eventual negative effects of amalgamation reforms. Rural sub-municipal institutions can also be important

for service delivery and voice, especially if they are parts of overstretched municipalities covering a larger surface with several settlements/villages. In such cases, sub-municipal units (SMUs) are often identity- and community-keeping institutions.

ROLES AND BENEFITS OF SUB-MUNICIPAL GOVERNANCE

A more systematic review of benefits from sub-municipal governance has been presented by Lowndes and Sullivan (2008), who mention four major arguments, often shared (in different or supplementary versions) by other authors as well:

- *Civic rationale*: increasing citizen participation in local governance and revitalizing civic culture and local community (also Tavares and Carr 2013). Participation at sub-municipal level would also develop “social capital of a Toquevillian sort, contributing to increased social trust and norms that promote collective action” (Jun and Musso 2013: 74).
- *Social rationale*: facilitating a citizen-focused approach to governance and (Van Assche and Dierickx 2007) elevating local knowledge and providing neighborhood-level feedback to city leaders. Communicating important information about residential preferences and street-level conditions to administrators and elected officials (Berry et al. 1993), which is particularly important in large urban areas, where patterns of service delivery may poorly reflect the local needs and preferences (Levy et al. 1974).
- *Political rationale*: improvement of local democracy, since citizens can access sub-municipal governance more easily and hold politicians directly accountable for their actions and omissions. Consequently, leaders at this level are more likely to be responsive to citizens’ opinions. Also, the local democracy in a municipality as a whole could benefit from power-sharing (Peteri 2008: 9) and a more balanced institutional design through sub-municipal governance (see Kersting and Vetter 2003; Kersting et al. 2009).
- *Economic rationale*: more efficient and effective use of available resources, in part due to creative local synergies. Services in which direct contact with citizens or small groups is particularly important could be delegated to the sub-municipal level. The same applies when flexibility in management arrangements is needed, since it can be better achieved on the lowest territorial level (Swianiewicz 2015: 175).

From a practical standpoint, sub-municipal units may play various roles in the local political systems. The potential roles may be summarized in the following way:

1. *Facilitator (animator) of local activeness*: In this vision, the main function of sub-municipal units is to initiate or support various kinds of cultural, sports and educational activities in the local neighborhood. One may distinguish between two versions of that role:
 - (a) *Organizer*—the neighborhood council organizes some events important for the local community.
 - (b) *Catalyst* (of other's activities)—neighborhood councilors do not necessarily organize (initiate) activities of their own invention but concentrate on supporting bottom-up initiatives developed by local societal organizations or individual citizens.

2. *Representation of local interests in the city*: This role may take different forms:
 - (a) *Decision-making on limited scope of policies*—sub-municipal units make decisions which are binding, for example concerning small investments or repairs in their neighborhood (village), participate in the commissions to decide on tenders or nominations for public posts in their area.
 - (b) *Consultation*—municipal government consults its decisions with sub-municipal councilors (or e.g. village heads/leaders) and this is treated as an important element of public consultation process.
 - (c) *Lobbying*—sub-municipal politicians from their own initiative or under the pressure of residents lobby for some actions to be undertaken by the municipal government (e.g. improvement of access to some services, new investment in local infrastructure).

3. *Service provider (mini local government)*: Responsibilities for concrete tasks (functions) have been passed to sub-municipal units, which not only make respective decisions but also organize implementation of the tasks (service delivery).
4. *Driving belt (herald)*: Dissemination of information on city policies. Sub-municipal units are tools of information policy in the municipality, citizens may learn about municipal policies and their rationale.

5. *Breeding ground* for political talents (step in a political career for neighborhood/village local activists). The typical role would be “incubator” (local politicians starting their political career from SMU level (Kersting 2004 for Germany, Swianiewicz and Chelstowska 2015 for Poland) and moving to municipal or national politics, but following Kjær’s (2012) distinction we may also find examples of “respirator”, when politicians use the sub-municipal level after lost municipal/regional/national election to re-build their political position.

Some theorizing voices in the literature are focusing on the *intermediary* role of sub-municipal governance (Berger and Neuhaus 1977; Jun and Musso 2013: 74–76) and sub-municipal units that “act as mediating organizations in communicating spatially differentiated preferences to local leaders” (Jun and Musso 2013: 74), since formal city-wide democratic structures would poorly represent sub-municipal interests and, even in overstretched rural municipalities, the voice of distant villages and settlements would not be heard. In big cities, dispersed interests of residents would tend to impede coalitional politics, while well-funded interests of business and developmental elites or well-organized interests of supra-local NGOs and political parties would prevail, hollowing out needs and demands of neighborhood stakeholders. Others suggest that seemingly neutral administrative procedural rules may result in systematic biases in service delivery patterns (Levy et al. 1974; Jun and Musso 2013: 75). Therefore, this intermediary role of sub-municipal governance would be crucial in order to address aspects of *equity and fairness* (Peteri 2008: 6), in terms of both interest representation and service delivery, while the role of sub-municipal governance can be indispensable for the inclusion of minorities.

Emphasis was also given to the *instrumental aspect* of sub-municipal governance that would better fit the *complexity* of contexts and problems, needs, and demands in modern urban environments (Jun and Musso 2013: 74). While social movement organizations and initiatives would increasingly take a metropolitan focus, sub-municipal governance would combine vertical (mediator, “advocate and messenger”: Peteri 2008: 15) with horizontal functions (cohesion, mobilization of local capacities, coordination and synergies), providing indispensable territorial links to urban governance as a whole. On the other hand, in rural areas with large municipalities, sub-municipal organization would incorporate pre-existing pluralisms of *local community identities* often ignored in parent council politics, especially when it comes to smaller and outlier villages (Deleon and Naff 2016).

CRITICISMS AND REFORMS

An important part of the literature is putting the benefits of sub-municipal governance in question. In his “local scale trap” thesis, Purcell (2006) has heavily criticized the sub-division of local democracy into smaller-scaled localities, emphasizing the socially constructed and politically contended nature of jurisdictional scale. Drawing on the social movement theory, Purcell argues that there is a need to mobilize citizens across the different parts of the municipality rather than privileging the sub-municipal scale down to the neighborhood level. Others argue that territorial mobilization may aggravate rather than ameliorate *power inequalities* of different territories (Kearns 1995), mostly highlighting the danger of decision-making processes that would privilege parochial concerns of wealthy territories rather than engaging a diverse range of stakeholders in collective action and multilevel municipal governance. Spatial inequalities found within municipalities would tend to *aggravate the socioeconomic biases found in most forms of political participation*. Frustrating implementation of municipal policies that pursue equitable outcomes in benefit of the larger community could also be the result of localized NIMBYism often protecting property values (Dear 1992). The latter was found by Jun and Musso (2013: 98) also in lower-income communities, even though high costs may hamper their focus on substantive activities on the long run.

A crisis of legitimacy of the local political system can be seen, on the one hand, in growing online and offline political protest (for innovation in the “invented space”, see Kersting 2013). The crisis of representative democracy can be seen, on the other hand, in growing political apathy and cynicism and a decline of political party membership as well as voter turnout (“invited space”) in a number of countries. Both phenomena seem to be influenced by the growing demand for participation in the citizenship at the local level.

The 1990s saw more open dialogue-oriented participatory instruments being implemented (Kersting and Vetter 2003). Also, new forms of vote-centric direct democracy such as referendums and initiatives began to be implemented on the one hand. On the other hand, participatory instruments in the field of talk-centric deliberative democracies began to be implemented too in some countries (Smith 2009; Kersting 2007). In a number of countries, “deliberative instruments” such as participatory budgeting were applied (Kersting et al. 2016). Deliberative democracy often developed a path from conflict to consensual deliberative decision-making. These new participatory instruments spread worldwide (for the

“deliberative turn”, see also Dryzek 2002). Participatory inventions are predominantly realized at the local level, which can be regarded as a laboratory for democratic innovation. Based on the recruitment of the participants, the following three ideal types can be identified: Open “Forums” are open for everybody and based on self-selection. Alternative “Minipublics”, often called citizen jury or citizen assembly, use random selection or the recruitment of members. New “advisory boards” have elected representatives (from political parties or organized interest groups) as their members (for the typology, see Kersting et al. 2009; Kersting 2016). Sub-municipal councils could be regarded as an advisory board for the municipal council.

RESULTS OF EMPIRICAL STUDIES

Criticisms seem to prevail in many *empirical studies* of sub-municipal governance: In their study of Scandinavian cities, Bäck et al. (2005) found only ambiguous results related to expected cost savings of *service delivery*, while the effects of increased *community involvement* were not found to be durable. Contact of neighborhood councilors with citizens was not much more frequent than citizens’ previous contact with city councilors. In their study of the UK cities, Griggs and Roberts (2012: 206–207) come to the conclusion that sub-municipal structures often generate unmet expectations among stakeholders, mainly due to limited authority and weak influence of the sub-municipal level on key decision-making. In their study of Birmingham, Rotterdam and Bologna, Ringeling et al. (2012: 199–200) stress the fact that city politicians and bureaucrats tend to prevent neighborhood councils from becoming too strong, while these sub-municipal councils would strongly be “self-referential” and would neither organize citizen’s participation nor diminish the distance between city government and citizens. Sub-municipal governance would tend to *duplicate local council politics* instead of being a tool of democratic improvement, as originally conceived. Duplication of municipal politics was also found by Swianiewicz et al. (2013) in their study of Polish cities, where the role of sub-municipal institutions as “breeding ground” for political talents seems to stand out. On the other hand, Swianiewicz (2015: 195) also stresses the fact that a “positive relationship...has been discovered between citizens’ interest in neighborhood councils and the scope of spending authorities allocated” to them. This would provide

“foundation for careful optimism”, after all in most European cities, the option of radical decentralization has not “really been tested so far”, since the Scandinavian cities where the sub-municipal level sometimes spends nearly half of the municipal budget usually do not have directly elected sub-municipal councils.

Opinion polls in German cities showed that sub-municipal councils are regarded as highly important in German cities (in 2014, approximately 2700 citizens and 600 councilors were interviewed; see Kersting 2016). About 71% of the citizens evaluate sub-municipal councils as being very important. Only 7% of the citizens do not see them important at all. In the ranking of different participatory instruments, sub-municipal councils have similar acceptance like self-selected citizen forums, youth parliaments, and so on. In the group of the local politicians, this participatory instrument is also highly respected. In this case, 69% of the members of the city council see them as (very) important, while 10% of the councilors regard them as not important (at all). Local politicians give for example better marks for some sub-municipal councils compared to youth parliaments. But politicians rank advisory boards for migrants slightly higher.

Some positive findings have also been reported in *Portugal*, where sub-municipal governance enjoys a strong democratic legitimacy and the *Freguesias* are deeply rooted in political culture: Carr and Tavares (2013, 2014) found a positive relationship between the number of parish governments and civic engagement, while sub-city institutional fragmentation would nurture political and civic skills, as parishes act as channels that encourage residents to express their views on public issues and participate in sub-municipal elections (Tavares 2016). Furthermore, the presence of nonpartisan candidates increases voter turnout at the parish level (Tavares 2016). Finally, municipalities with higher levels of sub-city fragmentation (SMUs) were also found to be associated with higher levels of spending and larger transfers to SMUs (Tavares and Rodrigues 2015).

QUESTIONS AND TOPICS FOR ANALYSIS

This book will take advantage of already conducted empirical surveys and case studies in most of the investigated countries, offering a variety of different approaches and findings which are expected to mostly refer to evaluation of sub-municipal governance. The analysis will, nevertheless, follow

the pattern introduced by the LocRef conceptual framework (Bouckaert and Kuhlmann 2016: 3) and attend to cover its main guiding questions:

- The *causes* of specific reform agendas and the formulation of institutional reform packages by relevant stakeholders.
- The adoption of reform measures, *institutional changes*, and the degree of reform implementation.
- The *effects* of reforms and the influence of specific choices on local government performance.

Further drawing upon this framework, this book analyzes the following main topics, each one them responding to guiding research questions:

- a. *Historic paths and reform drivers, prevalence and intra-national diversity* (responding to the questions when, why, where and how have SMUs been introduced)

Possible reform triggers include bringing decision-making closer to the citizen, eventually counterbalancing the negative effects of size in big cities and overstretched municipalities, adapting to the specific needs of a territory, decentralizing tasks that are otherwise within municipal jurisdiction, facilitating amalgamations or/and counterbalancing negative effects of amalgamations, preserving local identity and social cohesion, giving distinct voice to different parts of the city/municipality (Hlepas 1990: 265).

Sub-municipal governance institutions may have been created when windows of opportunity emerged (amalgamations, drop of turnout in elections and legitimacy crises, city riots and other crises due to segregation) or indicate path dependencies (persistent local identities, traces of former institutions, etc.). Sub-municipal institutions might have been initiated by central and/or local governments, the latter sometimes being entitled or even encouraged thereto. Discretionary power of municipal statutes can greatly differ across and within countries, just as it happens with the level of institutionalization, the legal status (e.g. distinct sub-municipal legal personality or not) and the eventual guarantees of existence.

Prevalence of sub-municipal governance can be restricted in some single cities, some specific categories of municipalities (bigger cities, local authorities created through mergers, etc.), while in other cases, it could be an option or on obligation for most municipalities in a country. In some

countries, the presence of sub-municipal entities is restricted in a “natural way” by territorial organization. In particular, if territorial fragmentation of the rural areas is big, with nearly each settlement unit (even very small village) having its own local government, there is no much space for sub-municipal structures, which may exist in bigger cities only. Among countries covered by this volume, Czech Republic and, to a lesser extent, also Slovenia and Spain are close to this model.

- b. Political autonomy and democratic relevance/legitimacy (responding to the question, what is the role of sub-municipal governance for local democracy and local politics)

Besides the local specific actors and network constellations, the relative political weight of sub-municipal governance within local politics also depends on the municipal election rules, mostly their direct or indirect election. Also, the balance between local and political party-based election, the possibility of double mandates (accumulation of mandates), the role of sub-municipal mandates for political careers and the level of citizens’ participation (e.g. through participatory budgeting, popular assemblies) influence the relation between parent municipality and sub-municipal institutions. The level of sub-municipal accountability to the parent municipality and the eventual powers of municipal bodies to nominate and recall sub-municipal politicians/administrators are decisive for the level of sub-municipal autonomy, especially when sub-municipal institutions do not have channels of direct contact and cooperation with the state and other supra-municipal levels of authority.

- c. *Functional scope and policy discretion* (responding to the question about the functional scope and the discretionary autonomy of sub-municipal governance, regarding competence, resources and organization)

The policy scope of sub-municipal units can be (totally or partly) pre-defined by law or delegated by the municipality. Tasks of these units can be mandatory and/or voluntary, unitary for the whole municipal territory, or differentiated across the various sub-municipal units. The scope of functions and the corresponding discretion of the sub-municipal level can deviate in different policy fields, such as education, caring functions (child care, elderly care, etc.), health, housing, social assistance, planning, permitting

(shops, businesses, etc.). After all, following Dahl and Tufte (1973), one would expect that the wider scope of functions of sub-municipal units would tend to increase citizen interest in sub-municipal governance. Although the original discussion of Dahl and Tufte did not concern sub-municipal units, this claim has been to a large extent confirmed by earlier study on Polish boroughs of large cities (Swianiewicz 2015). Supervision powers and tools for municipal bodies concerning activities and decisions of the sub-municipal level (controls, approvals, monitoring, etc.) should, however, also be taken into account when the autonomy of the sub-municipal level is being assessed. The role of sub-municipal governance can furthermore strongly fluctuate across the different stages of public policy (agenda setting, policy formulation, decision-making, policy implementation, policy evaluation). Jun and Musso (2013: 98), for instance, highlighted the role of neighborhood communities for agenda setting and planning decisions, but we expect important deviations across the investigated countries and within.

The proportion of sub-municipal expenditure on total municipal spending and the amount of available financial resources also appear to be reasonable measures of sub-municipal autonomy. Other important financial aspects would be the possibility of sub-municipal taxation, the question about unconditional (block grant) or conditional (earmarked grants) financial transfer from the parent municipality and, of course, the issue whether there are direct financial transfers from other levels of governance, as well as the level of spending autonomy and sub-municipal discretion concerning spending priorities. Finally, there is the question whether sub-municipal spending is subject to municipal or external supervision (controls, monitoring, ad hoc approvals) or both.

Another issue is the organizational structure of sub-municipal administration (eventually including single-purpose entities, such as schools, nurseries and elderly homes) and its accountability to municipal or/and to sub-municipal bodies, as well as whether human resources management is subject to the parent municipality or to sub-municipal bodies.

- d. *Evaluation and perspectives* (responding to the question how the experience with sub-municipal governance is being evaluated in the corresponding country, which are the prevailing trends and emerging perspectives)

The major (political, economic, policy-related, demographic, etc.) challenges for sub-municipal governance will be highlighted; furthermore, the favorable or unfavorable conditions for good performance and functioning can be pointed out. Based on eventually existing empirical research, case studies, expert opinions and literature, an overall assessment can be made about advantages and disadvantages, successes and shortcomings of sub-municipal and eventually about the institutional settings or innovative tools that do function and the ones that do not (and the reasons why).

Furthermore, the prevailing dynamics concerning sub-municipal governance will be shown.

It will be investigated whether sub-municipal governance is rising or declining, in terms of both numbers and democratic/service performance, as well as in terms of awareness and public interest/acceptance.

Finally, the emerging perspectives should be detected and whether they include further development, or decline and even abolishment, possibilities and needs for reforms concerning the sub-municipal level (territorial, functional or/and democratic reforms), as well as future roles. More specifically, what kind of reform pressures emerge and which reform agendas have eventually been taken up.

This book covers 10 European countries from different parts of the continent (Southern, Middle, Eastern and Northern Europe) representing different local government systems and democratic traditions, but also different experiences with sub-municipal governance. Country chapters will present institutional settings for sub-municipal units without excluding informal community practices at the sub-municipal level. A central ambition of this book will be to present and evaluate a wide range of different institutions and practices of sub-municipal governance in several European countries, covering big cities, middle-sized municipalities and rural areas. In order to evaluate their national experience, the authors of country chapters will also take advantage of the eventually existing empirical surveys and case studies in their countries. Country chapters that will follow address the aforementioned four main topics, a common pattern that will be facilitating systematic comparisons while at the same time leaving enough space for national peculiarities and priorities chosen and highlighted by the authors.

OVERVIEW OF THE COUNTRY CHAPTERS

In *Belgium* (Chap. 2), according to the constitution, regions can introduce norms about sub-municipal governance. The Flemish region is the only one that has taken this step so far and the respective local government decree stipulates that competence can be transferred by the city council, the college of mayor and aldermen and the mayor to the districts. Up to now, following mergers with surrounding municipalities (1983), Antwerp is the only city that has introduced a sub-municipal system of districts, which have their own, directly elected councils since 2000. *Wayenberg and Steen*, the authors of the Belgian chapter, highlight the fact that, even though resources given to the districts are quite limited, sub-municipal governance in Antwerp has been quite successful, showing the benefits of representative democracy on the sub-local scale for a large city and probably encouraging other Belgian cities to introduce similar district systems, after the next local elections in 2018.

The *Czech Republic* (Chap. 3) is a particularly interesting case, since it is a country where, opposite to West European countries with a history of amalgamation reforms, a radical fragmentation of the formerly consolidated municipal structure took place within a few years after the fall of the dictatorship. Municipal law gave to bigger, so-called statutory, cities flexible powers to subdivide themselves and define the territory (“symmetric”: when the whole city is subdivided, or “asymmetric”: only in some city parts) administration, the political organization, the functions and the finance of their own sub-municipal units. The Czech chapter, written by *Lysek*, analyzes the reform drivers and the institutional design of sub-municipal governance before it presents some very interesting findings about elections and turnout, trust and legitimacy, as well as democratic innovations in Czech sub-municipal governance. Citizens seem to trust the sub-municipal institutions and the turnout in elections is comparatively high, especially in peripheral areas with strong local identities. In sub-divided large cities, nearly one-fifth (18%) of all municipal expenditure is allocated through decisions of sub-municipal councils, while vivid debates about transferring more power and resources to the sub-municipal level are still in progress. In quite a few cases, sub-municipal governance seems to serve as a *prevention tool*, in order to avoid disintegration and counterbalance secessionist tendencies of some city parts.

English (Chap. 4) sub-municipal organization is more complex than its apparent consolidated and centralized territorial organization would make us believe. With a long tradition of experimentation within the council

boundary, this scattered pattern of approach over the English local government landscape results in multiple forms of sub-municipal units: regarding their autonomy, structure, management, competencies and relationship with upper tiers. This chapter addresses the contribution of sub-municipal units to the legitimacy and responsiveness of the municipalities while providing a broad overview of the origins, nature and organization of sub-municipal units in the context of English Local government. The reasons for their creation are multiple: from political belief to the enhancement of local democracy, accountability, policy and effectiveness of public services; and from community trust and capacity building to citizens empowerment. As argued by the author of the chapter, sub-municipal units can also compensate the effects of the large size of English units of local government, particularly given the increasing pressure for enhanced public engagement. This may lead to an increase over time of the use of such units by the English councils.

In *Germany* (Chap. 5), sub-municipal units differ with the *Laender*. In metropolitan areas in the city states such as Berlin, Hamburg and Bremen, metropolitan districts are mostly derived from the early twentieth century. These districts have their own budgets and perform a broad range of administrative functions. The districts' self-government bodies consist of district councilors as well as the district mayors, who fulfil a number of quasi-municipal self-government rights and functions. In the other "Laender", most sub-municipal councils were introduced with the different territorial reforms in the 1970s. Especially in the states of North Rhine Westphalia, Hesse and (less) in Bavaria, territorial reform and amalgamations produced a number of bigger entities often accompanied by the loss of local identity. In Western Germany, as well as in some Eastern German *Laender* in 2010, sub-municipal councils were introduced as a kind of compensation for the loss of political autonomy in the amalgamated villages and small towns. In the multifunctional German municipalities, councilors act in a kind of parliamentary structures and directly elected mayors fulfill executive functions. The role of the sub-municipal councils is weak, and they have more advisory functions. They compete with other advisory boards such as youth parliaments, advisory boards for migrants, advisory boards for people with disabilities and so on. Nevertheless, some sub-municipal councils and their chairs (*Ortsvorsteher*) fulfill smaller administrative functions and—due to their focus on neighborhood planning—some have become more relevant and important in recent decentralization strategies.

In *Greece* (Chap. 6), a rather weak system of districts was first introduced in big cities in the early 1980s, while stronger institutions of sub-municipal governance were created in the aftermath of extensive and obligatory mergers in 1998. A second wave of amalgamations in 2000 marked a new attempt to re-organize sub-municipal units in most municipalities. As *Hlepas*, the author of the Greek chapter, puts it, sub-municipal governance in Greece did not manage to offer considerably more than symbolisms and identity politics. Delegation of decision powers and transfer of additional resources to sub-municipal units are rare phenomena, since local politicians in parent municipalities are following patterns of intra-municipal centralism. The lack of meaningful representation at the sub-municipal level is already leading to visible disintegration in many cases and to restrain from local politics. Therefore, a reform debate was initiated by the central government, but the final outcome remains an open question.

In *Norway* (Chap. 7), only the city of Oslo introduced sub-municipal units. These sub-municipal districts have an average size of 45,000 inhabitants. Hereby half of Oslo's local government budget is spent on a SMU level. Suppleness of the districts was implemented in the early 1990s. These are relevant: allocate predominantly the social welfare policies at the local level and contribute. Nevertheless, the regional distribution shows strong social inequalities between the different suburbs and Oslo as a kind of divided city. Oslo's sub-municipal districts are—similar to other local government structures in Norway—multipurpose territorial units with a strong functional and financial status. Territorial reforms and trends toward amalgamation in the 2010s often refer to the sub-municipal units in Oslo as a kind of role model for other municipalities.

The chapter on *Poland* (Chap. 8) argues that sub-municipal units play rather marginal role in local politics (which might be illustrated by the small role of funds devolved to the district level) and that the reforms leading to the creation of city district (neighborhood) councils have had limited influence on the revival of local democracy (very low turnout in district/neighborhood election is a good illustration). At the same time, quoted empirical analysis suggests that there is a demand for the existence of urban sub-municipal decentralization and that the decision to give more discretion and more functions to districts results in an increased interest of residents. The Polish chapter shows also a slightly more significant role of sub-municipal units in rural areas (where the role of sub-municipal units is played by individual village settlements). This is related

to at least two factors. One is related to deep historical roots of village self-government and especially to the position of village head (*soltys*). Second, to the more active role of the state level in supporting village decentralization through the Village Development Fund (*Fundusz Sołecki*) receiving the matching grant from the central budget. In both cases (of urban and rural sub-municipal units) they are creatures almost fully dependent on the will of municipal level, with a minimal national framework in the national level. In particular, the decision to have (or not to have) sub-municipal units is fully dependent on the municipal council.

In the case of *Portugal* (Chap. 9), sub-municipal units are anchored on a long-standing tradition of territorial jurisdictions, which in most cases goes back to the ecclesiastical heritage of the first millennium AD. It stands out as a special case, since all municipalities have sub-municipal units that have evolved, with the democratic constitution of 1976, to become full-fledged, lower-tier local government units. However, the authors argue that these sub-municipal units are—*de facto*—a division of the municipal territory into small units of governance and of democratic representation, significantly under the discretionary authority of the municipality's government. Its territorial organization has remained fairly stable over more than a century, and has reached a high of 4259 in 2012. The territorial reform triggered by the Memorandum of Understanding signed with the IMF/EU/ECB has reduced this number to 3092. In a context of national financial crisis, this was not a consequence of a voluntary decision by either the national or local governments, and the intent was to reduce its total number by half. With weak administrative powers, uneven in terms of registered voters, limited in resources and highly dependent on the municipality in financial revenue and new competencies, the Portuguese sub-municipal units are struggling for a relevant place in local governance.

Also in *Slovenia* (Chap. 10), the existence of sub-municipal units depends to a huge extent on the will of the municipal council. But, the recent government strategy of local self-government development refers to sub-municipal governance as an important tool to strengthen political legitimacy of the governance process. The tradition of sub-municipal units in Slovenia goes back to at least to the 1950s, and as Bačlija and Lavtar demonstrate in their chapter, the number of units has been fluctuating in relatively narrow range of around 1100–1200 since then. In spite of municipal territorial fragmentation after 1990, sub-municipal units in Slovenia still function in larger cities and in more than a half of rural local governments. As in many other countries discussed in this volume,

Slovenian sub-municipal units are heavily under-researched with almost only empirical analysis focused so far on districts in the capital city of Ljubljana.

In *Spain* (Chap. 11), a rich variety of multipurpose local entities are also in charge of providing services and addressing public demands. The chapter on the Spanish case presents two significantly contrasting realities: the very small rural parishes and the urban districts in large urban areas. This is a picture of two opposite worlds. One of ancient roots, with similarities within the Iberian countries, almost exclusively concentrated in the northern part of the country, where sub-municipal units are an opportunity to provide some services to scattered and small areas; and the other, of contemporary features and of recent creation, in fast-growing cities, as a way to improve effectiveness and to improve citizens' participation in local affairs. The contrasts extend to their autonomy, electoral system, regulations and available resources. This chapter provides relevant information also regarding the last broad reform of the Local Government Act, in 2014, which included some changes to this landscape, in the context of a severe economic crisis. Spanish sub-municipal units were particularly affected by measures that aimed to reduce the number of bodies and/or organizations, eroding their capacities.

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Nikos Hlepas is Associate Professor at the Faculty of Political Science and Public Administration, National and Kapodistrian University of Athens. He is working for many years on local government studies and public law. He is an ordinary member of the Group of Independent Experts at the Congress of Local and

Regional Authorities at the Council of Europe. He was the President of the National Centre for Public Administration and Local Government (EKDDA) in Greece.

Norbert Kersting is Professor holding the chair for Comparative Local and Regional Politics at the Department of Political Science at the University of Muenster (Germany). From 2006 to 2011, he held the “Willy Brandt Chair on transformation and regional integration” at the Department of Political Science, University of Stellenbosch. He was a fellow at the Institute of Political Science at the University of Marburg and Electoral Integrity Project (Sydney). He was visiting Professor at the University of Koblenz-Landau and the University of Kassel. He is acting chair of the International Political Science Association’s (IPSA) Research Committee 10 on “Electronic Democracy” and member of the Board Research Committee 5 on “Comparative Studies on Local Government and Politics”.

Sabine Kuhlmann has been Full Professor of Political Sciences, Administration and Organization at the University of Potsdam, Germany, since 2013. From 2009 to 2013, she was Full Professor of Comparative Public Administration at the German University of Administrative Sciences in Speyer. She chairs the COST Action “Local Public Sector Reforms: an International Comparison” and is a member of the National Regulatory Control Council that advises the German Federal Government on Better Regulation. Her work and research focus on comparative public administration; administration modernization/international public sector reforms; comparative local and regional government; evaluation, better regulation and regulatory impact assessment; and multilevel governance and decentralization.

Pawel Swianiewicz is Professor of Economics at the University of Warsaw, Head of the Department of Local Development and Policy at the Faculty of Geography and Regional Studies. Between 2005 and 2010, he was the President of the European Urban Research Association. His teaching and research focus on local politics, local government finance and territorial organization. Most of his empirical research focuses on Poland, but also comparative studies of decentralization in Central and Eastern Europe.

Filipe Teles is Assistant Professor and Pro-Rector at the University of Aveiro, Portugal, and holds a PhD in Political Science. He is a member of the Research Unit on Governance, Competitiveness and Public Policy, where he has developed

research work on governance and local administration, territorial reforms, political leadership, and innovation. He is a member of the Governing Board of the European Urban Research Association, the Steering Committee of the Local Government and Politics Standing Group of the European Consortium for Political Research, and the Board of the Research Committee on Comparative Studies on Local Government and Politics of the International Political Science Association.

Reaching Out to Sub-Municipal Decentralization: An Ongoing Challenge in Belgium

Ellen Wayenberg and Trui Steen

INTRODUCTION

Today, Belgium counts one local government with sub-municipal units (SMUs)—labelled districts—on its territory: Antwerp. Semantically, this port city’s name refers to the legend of Silvius Brabo. This roman soldier once cut off the hand of the giant Antigoon and threw it into the river Scheldt. As such, he stopped the terror that the latter had practiced for long against anyone wanting to pass the bridge over the river and being unable or—willing to pay his fee. Until present, Antwerp still embraces its history of ‘hand werpen’ or ‘throwing hands’ by the Brabo statue in front of the city hall. Remarkably, Brabo is positioned in such a way that he does not throw the giant’s hand towards the river. Doing so would have him act

E. Wayenberg (✉)
Faculty of Economics and Business Administration, Ghent University,
Ghent, Belgium

T. Steen
KU Leuven Public Governance Institute, Leuven, Belgium

violently vis-à-vis the city, an image no one sought to put in scene (Stad Antwerpen 2005). By switching the statue around, Antwerp turned its dramatic past into a workable direction, thus displaying a clever pragmatism on a sensitive matter. Repeatedly, the city has been praised for taking the same stance on sub-municipal decentralization. But has this issue really been treated likewise? Put differently, has the government in Antwerp, a locality renounced for a violent history of throwing hands, chosen to reach out to the districts whenever their respective and intrinsically interrelated way of working has been at stake?

A three-step way is followed to answer this evaluative question. We start by taking a closer look at the districts' origin, thus revealing the city's role in their creation at the end of the 1990s. The nine SMUs then installed are still operational today as explained in the chapter's second part, though several adaptations took place over the years. Some of them followed in the wake of an examination that Antwerp's sub-municipal decentralization was subject to. In a third part, we focus upon these evaluative studies with the purpose of findings commonalities among their insights. As such, we use the methodology of a meta-evaluation as accumulated research findings will allow us to make sense out of Belgium's only case of sub-municipal decentralization in Antwerp (Fitzpatrick et al. 2011; Stufflebeam and Coryn 2012).

A GIANT CITY SEEKING TO BRIDGE THE GAP VIS-À-VIS ITS CITIZENS

With more than half a million inhabitants, Antwerp is Belgium's largest city.¹ Its history of sub-municipal decentralization is closely interwoven with the country's major amalgamation operation that started in the early 1960s (De Peuter et al. 2011). Until then, Belgium counted around 2740 municipalities, a number that had hardly changed since its founding in 1830. Once the so-called Unity law was voted in 1961, the then (national) Executive became competent to merge municipalities on financial grounds or for reasons of a geographical, linguistic, economic, social or cultural nature for over a period of 10 years. Almost 400 municipalities were merged this way, resulting in a total of 2359 municipalities in 1971. Four years later, on the 30th of December 1975, a new law regarding the amalgamation of municipalities was adopted. This merger became effective on the 1st of January 1977 and reduced the number of Belgian municipalities further to 596 (De Rynck and Wayenberg 2013). As such, Belgium went

through a drastic amalgamation operation in a relatively short period of time. The reasons behind its success are multiple, including the lamentable state of the then public finances, the pressure created by the economic middle class to turn municipalities into strong(er) actors that could operate (more) on their behalf such as by providing better infrastructure; the advantage that the major political parties at the time saw in this operation to strengthen their local power base and the strong leadership at the Executive office towards its implementation (Ackaert and Dekien 1989; Maes 1985; De Ceuninck 2009).

During the 1960s and 1970s, Antwerp was no subject to amalgamation. However, its scale drastically increased from the 1st of January 1983 onwards as the city then merged with seven surrounding municipalities. As such, it took six more years before this operation was finalized on a nationwide level, thus bringing Belgium's cities and municipalities down to their current number of 589 (Wayenberg 2004).² This delay in Antwerp during one local legislative term was due to its unique and complex situation. After all, the port city was already big to Belgian standards and a merger to more than 450,000 inhabitants at the time would simply create a giant one with a huge gap between government and citizens as a potential risk. Precisely this concern urged the city to take an important structural decision shortly after starting its first legislative term. On the 5th of July 1983, it aligned nine so-called district councils according to the borders of the formerly independent municipalities. As such, these councils were not elected directly but appointed by the city council itself. Consequently, their composition reflected Antwerp's political coalition at the time. Moreover, the district councils were merely advisory in nature, thus being granted a role that they could play on their own terms or in response to the city council with regard to a concrete issue on their territory (Van Assche et al. 2004). Over the following years, the district councils were criticized repeatedly for failing to bring local government and citizens (closer) together. As a result, the Antwerp coalition of 1994 announced to strive for more decentralization in its agreement. This objective was supported on the 21st of February 1995, when the district councils were locally granted the right of initiative over their territory concerning several policy domains. Their advices on these matters would be taken as real decisions by the overall city council, thus granting them more power in a rather informal way (De Herdt and Voets 2011; Van Assche 2005).

Taking the Antwerp decentralization a genuine step further by equipping the district councils with full authoritative power would require a

change in the Belgian Constitution. A proposal to this end was approved in the parliament in March 1997. Since then, cities with more than 100,000 inhabitants are legally required to install sub-municipal units on their territory that are subject to direct elections. In Antwerp, this reform was unanimously supported by the then city council that thus sought to deal with various symptoms of a (too) big gap vis-à-vis its citizens such as a decreasing detection of local needs, a problematic communication of information towards its inhabitants and a lack of democratic input and participation from their part. Its main driver, however, was not functional but political as Antwerp experienced a strong rise of the extreme-right party 'Vlaams Blok' since the 1988 municipal elections (Van Dooren and Sinardet 2013). A decade earlier, this party arose out of the merger of two splinter groups of the so-called 'Volksunie' that, in turn, was founded by a coalition of Flemish nationalists, the middle class and the Farmer's Union in the aftermath of World War II. Members of both groups opposed to the so-called 'Egmontpact'.³ In 1977, the 'Volksunie' had signed this agreement with its coalition partners of the then Belgian government Tindemans II to transform the country into a federal state. One of these splinter groups, the 'Vlaams Nationale Partij', was led by Karel Dillen from Antwerp, who took the only seat that the 'Vlaams Blok' managed to obtain during the elections for the Belgian Chamber of Representatives in 1978. Under his presidency, the party developed an outspoken anti-immigrant program defending, amongst other measures, the return of non-European guest workers to their country of origin and fiercely strived for the independence of Flanders as well as the (re)installation of traditional households (De Wever 1997). In 1988, the 'Vlaams Blok' got 17.7% of the municipal votes in Antwerp and clearly scored in other Flemish cities as well. This electoral success marked the beginning of a series of so-called 'black Sundays' as the party continued to grow on all levels during subsequent elections. In 2004, it even became Flanders' biggest party with a score of 24.2% during the then regional elections (De Decker et al. 2005). So far, its members have never taken executive office on municipal and other levels of government as the (traditional) Flemish parties still hold on to a cordon sanitaire, thus engaging them all not to form a coalition with the Vlaams Blok.⁴ Nevertheless, this extreme-right party has put a clear mark on policy and politics, even outside Antwerp, where its growth has been most prevalent from the start. After all, its rise made the Flemish government appoint a minister for the cities halfway the 1990s, thus responding to a statement of the former (and later reappointed)

Belgian Prime Minister, Jean-Luc Dehaene (CVP). In a commentary on election results, he declared that urban renewal should be high on the agenda of the new governments (De Decker et al. 1996).

In the wake of these developments, the three Belgian regions became competent to further regulate the conditions to locally initiate ‘sub-municipal decentralization’ on their territory by creating sub-municipal administrative entities with elected councils, also known as districts. The Flemish government, ruling over the territory of the 308 local entities in the country’s northern region including the one of Antwerp, did not hesitate to take further regulatory measures (De Herdt and Voets 2011; Van Assche 2005).⁵ As a result, the then Antwerp council could give its green light to sub-municipal decentralization by the 20th of December 1999.⁶ It then decided over its districts’ territory and competencies and arranged their local functioning. The nine Antwerp districts became operational from the 1st of January 2001, after being directly elected for the first time in 2000 and approved by the new city council as instruments to serve its inhabitants and thus to better play its own local part (Stad Antwerpen 2001). As such, the Antwerp government clearly had a hand in the districts’ creation. In the following part, we focus upon their political and functional organization in order to find out the extent to which the city has tailored them primarily onto the (sub-)local needs or kept them under its control.

NINE DISTRICTS OPERATING IN A CITY’S GIGANTIC SHADOW

Since 2000, the members of the district councils have been directly elected for a six-year term, just as the municipal councillors. Their respective elections take place on the same day but completely separate and a local politician cannot take a seat in both councils simultaneously. The maximum number of elected politicians at district level equals two thirds of the ones within a similarly sized municipality. Among themselves, the councillors choose a chairman and other members of the district’s executive college to a maximum of 5, again no more than two thirds of a similarly sized municipal college.⁷ As a result, Antwerp counts 216 council and 44 college members at district level since the last sub-local elections in 2012, divided over the nine districts as indicated in Table 2.1. That table also points out the big variance in surface among them as well as in inhabitants, ranging from less than 10,000 in Berendrecht-Zandvliet-Lille to almost 20 times as many in Antwerp (van Ostaaijen et al. 2015). Remarkably, the latter

Table 2.1 Antwerp's districts according to number of council members, college members, inhabitants and area (Stad Antwerpen 2016)

<i>District</i>	<i>Council members</i>	<i>College members</i>	<i>Area (km²)</i>	<i>Inhabitants</i>
Antwerpen	32	5	87	194,592
Berchem	25	5	6	42,879
Berendrecht- Zandvliet-Lillo	15	4	53	9860
Borgerhout	25	5	4	46,181
Deurne	29	5	13	77,434
Ekeren	19	5	9	22,805
Hoboken	23	5	11	37,805
Merksem	25	5	8	43,611
Wilrijk	23	5	14	40,517

district has not been downsized, though the city council has been legally required to do so for years now according to the Flemish local government decree.⁸

Likewise, the city government has abstained to transfer a lot of competencies to its district level until present. Since their installation in 2001, the Antwerp districts have disposed over a rather limited set of powers that concern their citizens' direct living environment from a physical as well as a social point of view (Van Assche 2005). After all, they rule over matters such as streets and public squares, green spaces as well as over various target groups (including youth and seniors), culture and communication (Stad Antwerpen 2016). Shortly after being installed, the districts made a plea for more clarity concerning their tasks. In 2002, the city responded with a handbook that aimed to be 'more than an exact copy of all regulations but rather a genuine reflection of how decentralization is organized in practice or perceived' (Stad Antwerpen 2002). In reality, this book did not bring enough salvation and so, in 2014, another step was taken towards more clarity. The then city council voted a co-ordination decision that conclusively listed up all competencies belonging to the district college and council. Table 2.2 shows an extract of this decision by summing up the districts' competencies over a typical physical and social matter of local concern (van Ostaijen et al. 2015).

However, the districts cannot exercise any of their competencies fully because the city has always held on to powers in these fields. Civil matters

Table 2.2 The districts' competencies according to the 2014 co-ordination decision

<i>Competencies Matter of concern</i>	<i>District council</i>	<i>District college</i>
Streets and public squares	Design, redesign and maintenance of local streets and squares; design, redesign and maintenance of local traffic interventions (provided the college's approval of the accompanying mobility conditions); the installation, reinstallation and maintenance of local public lighting; the installation, reinstallation and maintenance of local street furniture	(likewise)
Youth	The investment program for design, redesign and maintenance of local playgrounds; the rules concerning local youth subsidies; the rules concerning subsidization of local youth infrastructure	Implementation of the investment program for design, redesign and maintenance of local playgrounds; the organization of (own) local youth initiatives; the support of local youth initiatives organized by third parties; the support of local youth organizations; the support of the local advisory council for the youth; supplementary financial support for youth infrastructure; the organization of youth work by volunteers

are the only exception in this regard, as this domain has been fully transferred sub-locally from the beginning (De Herdt and Voets 2011). Apart from the competencies that are locally assigned, the Antwerp districts have remained legally equipped to advise the city council upon all matters regarding their territory. This boils down to an advisory right as well as an obligation to utter one's view in a few matters.⁹ Furthermore, they have become entitled to extend the city council's agenda with any point relating to their own authority.¹⁰

Vice versa, the city council can enforce districts to collaborate whenever deemed necessary in its own interest.¹¹ It can also deprive them

from powers that were previously granted. Once taken, such decisions then affect all districts similarly.¹² Acts from the latter can never conflict with regulations of a federal, Flemish, provincial and local nature and are top-to-down supervised to this end.¹³ For all these reasons, the Antwerp districts are categorized as intrinsically derived entities from city government (van Ostaaijen et al. 2015). More so, that label even stretches beyond the districts' competencies as they also lack clear financial and administrative autonomy. Up until today, the nine districts do not dispose over a tax area. Their financial resources are almost completely donated by the city that decides over its own ratio as shown in Table 2.3. Added together for 2015, the districts' means just amount to a fraction (i.e. 2.5%) of the latter's total expenses.¹⁴ The same also goes for their full-time equivalents. Each district disposes over an administrative secretary, responsible for the judicial care of its minutes, the preparation of sub-local policy and its daily management.¹⁵ This position involves the steering of personnel that, amongst others, fulfils counter and executive functions in the district and thus (co-)guarantees its performance. However, all these civil servants, including the administrative secretary,¹⁶ are still part of the city's human resources as Antwerp has merely opted to deconcentrate—and not to decentralize—staff to the extent as visualized in Table 2.3 for 2011.¹⁷

Table 2.3 City dotations (2015) and city staff deconcentrated (2011)

<i>District</i>	<i>Operational grants (euros)</i>	<i>Investment subsidies (euros)</i>	<i>Staff deconcentrated (FTE)</i>
Antwerpen	3,487,600	7,368,700	168
Berchem	813,200	1,546,200	46
Berendrecht-Zandvliet-Lillo	445,800	728,700	18
Borgerhout	691,800	1,329,100	60
Deurne	1,288,200	2,522,600	82
Ekeren	640,900	1,347,664	45
Hoboken	856,400	1,639,100	32
Merksem	837,000	1,594,000	50
Wilrijk	975,800	1,900,400	64
Total	10,036,700	19,976,464	565
	30,004,164		

(Stad Antwerpen 2011, 2015)

REACHING OR THROWING HANDS: ANTWERP'S PATHWAY OF SUB-MUNICIPAL DECENTRALIZATION

Compared within Western and Northern Europe, Belgium is no forerunner as far as sub-municipal decentralization is concerned. Countries such as France, Italy, Germany, the Netherlands and Norway installed sub-municipal units decades ago, whilst the Belgian system has been operational in (only) Antwerp since 1999 (Van Assche et al. 2004). Until present, that port city is the only one of seven cities with more than 100,000 inhabitants that are constitutionally qualified to decentralize in Belgium. Just the three of them in Flanders are also legally equipped to do so, as the other regions still lack a regulatory framework.¹⁸ And amongst them, Antwerp is thus the only one that has voluntarily opted to go 'all the way' by creating districts on its territory. However, their journey to full sub-local governance is still long as the city government has used its discretion to restrain them considerably along the way. On various occasions, however, voices were heard to grant the Antwerp districts more leeway. But has the city actually reached out to them?

A first occasion quickly followed upon the districts' creation. After all, an evaluation clause had been deliberately incorporated in the 1999 decision of the Antwerp city council to decentralize. Consequently, a colloquium was organized on the 22nd of February 2002 to discuss the problems that the districts faced. These issues were, at least partly, mapped via a survey that had been previously sent to members of the district councils and of the city council as well as to the Antwerp administration. Generally spoken, none of them questioned the districts' local legitimacy nor political value as directly elected units, closely positioned to the citizens. They did, however, point out various reasons why their operational functioning was far from optimal (De Peuter et al. 2011). Several of them concerned the districts' governing capacity. For example, they criticized the shortage of competent district personnel as well as the inherent difficulty of the Antwerp system that this staff fell under the city administration/authority and could not be formally steered by district politicians. On top of this, the latter claimed to be in dire need of financial resources. Therefore, no plea was held at the colloquium for more district powers but simply for more respect to satisfactorily fulfil current tasks. And apart from transferring more means, the city could show its respect vis-à-vis the districts' powers in other ways such as by better dividing shared competencies, co-ordinating its activities with the districts and asking them for

advice on supra-local matters touching upon their territory. One typical matter is their respective alignment, an issue that was fiercely debated at the colloquium as some considered the district of Antwerp but also the one of Deurne too large. Others, on the other hand, opposed this view so that the colloquium did not identify the districts' borders but their governing capacity and powers as primary matters of concern (Van Assche et al. 2004). Antwerp took these critiques to heart. And in the following months, the city council decided to adapt the division of competences in-between city and districts to install new procedures in order to smoothen their sub-local interaction and to train city staff specifically to better serve at district level (Van Assche 2005). Retrospectively, there was no time for more. On the 13th of March 2003, the so-called 'visa-scandal' forced the then city coalition to step down.¹⁹ In their turn, the districts escaped the crisis sphere then hanging over Antwerp and, not surprisingly, took various initiatives to decentralize further.²⁰ But the then appointed alderman for City Organization and Decentralization responded by not looking into the districts' operation with the intention of new adaptations before the end of the legislative term in 2006 (Van Assche et al. 2004).

In fact, a second and thorough evaluation came sooner as the High Council for Internal Affairs (HCIA) ordered an academic study of sub-municipal decentralization in 2004. But that study did not screen the districts' operation under the current rules and regulations. Conversely, it aimed and succeeded to reveal the value that a basic system of representative democracy on the sub-local scale can add to a large city, thus fitting into the HCIA's intention and role to advise the Flemish government on the matter for its first local government decree (Van Assche et al. 2004). Once voted in 2005, that decree did not stir the Antwerp districts around but legally framed their situation at the time. And to a large extent, this explains why issues concerning the districts' borders, governing capacity, financial means and powers that were formulated at the evaluative colloquium in 2002 still pop up more than a decade later. For example, this was the case in an evaluation of 2011. Remarkably, this study did not only approach the Antwerp districts' various challenges and weaknesses as an issue of co-ordination but also questioned their overall appreciation by politicians and civil servants belonging to both the city and the different SMUs. And more than half of them clearly perceived the Antwerp system as successful in achieving its original goal of restoring local politics and a good contact between government and citizen. In particular, both politicians and civil servants praised the districts for encouraging more political

debate, more interest in local politics and more governance ‘tailored’ to the real issues and concerns of the people in Antwerp (De Herdt and Voets 2011). However, in order to continue along this successful path, the city was explicitly called upon to keep on reaching out to the districts’ needs concerning their capacity, finances and mutual communication (De Herdt and Voets 2011). Not surprisingly, these concerns also came to the fore in a more recent evaluation study of 2015 (van Ostaaijen et al. 2015). This study was executed in assignment of the current city coalition, composed out of the members of N-VA (New Flemish Alliance), CD&V (Christian-Democrats) and Open-VLD (Liberals). In its agreement for 2013–2018, this coalition had announced several other steps as well towards more sub-local autonomy, including the transfer of additional competences concerning the elderly and of the corresponding financial resources as well as the enforcement of the districts’ advisory role and their discretionary spending (Stad Antwerpen 2013). As such, the city of Antwerp has continued to reach out to its districts, be it again little by little. The next local elections, to be organized in October 2018, might change the scenery for further reform in Antwerp or Ghent and Bruges as the other two cities in Flanders that are constitutionally authorized to decentralize. Repeatedly, the current Flemish minister of Internal Affairs (Homans, N-VA and based in Antwerp) has expressed her intention to legally equip them with full autonomy in this regard (Homans 2014, 2015, 2016). But until the next elections, no drastic turn on this historic and incremental pathway of sub-municipal decentralization seems underway in Antwerp or elsewhere in Belgium.

NOTES

1. In 2017, Antwerp had 521,946 inhabitants (Stad Antwerpen 2017).
2. Recently, two municipalities have expressed their intention to merge. This is part of a voluntary round of local amalgamations that is set up and financially rewarded by the regional government in Flanders, the northern part of Belgium.
3. In general, the implementation of the Egmontpact failed. However, several of its elements were realized during successive rounds of Belgian state reform.
4. In 2004, the ‘Vlaams Blok’ was convicted for racism. Since then, the party operates under its current name of ‘Vlaams Belang’.
5. Until present, the Walloon and Brussels government did not create a regulatory framework on sub-municipal decentralization.

6. Next to Antwerp, seven other Belgian municipalities of more than 100,000 inhabitants are constitutionally entitled to install sub-municipal districts. So far, Antwerp is the only (and Flemish) city that has used this opportunity.
7. Vlaamse Overheid (2015). *Decreet Gemeentedecreet art. 273–274*. [online] Vlaamse Codex. Available at: <https://codex.vlaanderen.be/Portals/Codex/documenten/1013949.html#H1029355> [Accessed 31 May 2017].
8. Vlaamse Overheid (2015). *Decreet Gemeentedecreet art. 273*. [online] Vlaamse Codex. Available at: <https://codex.vlaanderen.be/Portals/Codex/documenten/1013949.html#H1029355> [Accessed 31 May 2017].
9. Vlaamse Overheid (2015). *Decreet Gemeentedecreet art. 285–289*. [online] Vlaamse Codex. Available at: <https://codex.vlaanderen.be/Portals/Codex/documenten/1013949.html#H1029355> [Accessed 31 May 2017].
10. Vlaamse Overheid (2015). *Decreet Gemeentedecreet art. 292*. [online] Vlaamse Codex. Available at: <https://codex.vlaanderen.be/Portals/Codex/documenten/1013949.html#H1029355> [Accessed 31 May 2017].
11. Vlaamse Overheid (2015). *Decreet Gemeentedecreet art. 292*. [online] Vlaamse Codex. Available at: <https://codex.vlaanderen.be/Portals/Codex/documenten/1013949.html#H1029355> [Accessed 31 May 2017].
12. Vlaamse Overheid (2015). *Decreet Gemeentedecreet art. 282*. [online] Vlaamse Codex. Available at: <https://codex.vlaanderen.be/Portals/Codex/documenten/1013949.html#H1029355> [Accessed 31 May 2017].
13. Vlaamse Overheid (2015). *Decreet Gemeentedecreet art. 281 and 295*. [online] Vlaamse Codex. Available at: <https://codex.vlaanderen.be/Portals/Codex/documenten/1013949.html#H1029355> [Accessed 31 May 2017].
14. For 2015, these expenses were budgetted at 1,190,289,731 euros (Stad Antwerpen 2015).
15. Vlaamse Overheid (2015). *Decreet Gemeentedecreet art. 275*. [online] Vlaamse Codex. Available at: <https://codex.vlaanderen.be/Portals/Codex/documenten/1013949.html#H1029355> [Accessed 31 May 2017].
16. The administrative secretary is appointed by and accountable to the city, be it that the District College can advise the latter upon his/her appointment (van Ostaaijen et al. 2015).
17. In 2011, the city of Antwerp had 6383 FTE. Five hundred and fifty-six or 8.85% of them were employed at district level (Stad Antwerpen 2011).
18. Apart from Antwerp, only Ghent and Bruges are constitutionally qualified to decentralize in Flanders. Both cities, respectively, have 253,266 and 117,886 inhabitants (Van Volcem 2016).
19. In February 2003, it came to the fore that various policy-makers in Antwerp, including the chief of police, the city secretary and adjunct secretary, the city receiver and various aldermen, had falsely and excessively used public credit cards.

20. For example, a policy brief was jointly written by the nine district chairmen in June 2003 to underscore the colloquium critiques and demands once again. Simultaneously, there was the so-called ‘revolution of Ekeren’ as this district actively sought for ways to restore its status of autonomous local government (Van Assche et al. 2004).

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Ellen Wayenberg (PhD) is Professor at the Faculty of Economics and Business Administration, Ghent University (Belgium). She specializes in public policy and public administration, with a specific interest for policy analysis and evaluation, local government and multi-level governance. She is one of the co-chairs of the EGPA Study Group on Regional and Local Government, was actively involved in COST Action IS1207: Local Public Sector Reforms: An International Comparison and co-chaired the Fourth TransAtlantic Dialogue on the Status of Intergovernmental Relations and Multi-Level Governance in Europe and the US (4TAD, 2008).

Trui Steen (PhD) is Professor at the KU Leuven Public Governance Institute (Belgium). Her research interests include central–local government relations, professionals and citizens collaborating in the co-production of public services, local governance capacity and innovation in the public sector. She co-chairs the IIAS Study Group on Co-production of Public Services and was actively involved in COST Action IS1207: Local Public Sector Reforms: An International Comparison.

The “Little Town-Halls” in the Czech Republic: An Unexploited Potential of Functional Decentralization

Jakub Lysek

INTRODUCTION

The Czech Republic has experienced a dramatic and systemic change within its local public sector after 1989. This was also mirrored in the development of SMUs—also called the “little town-halls”. The far-reaching spontaneous fragmentation of the existing territorial administrative structure with the comparatively small size of the Czech municipalities and the negative experience with forced amalgamation during the past regime (Illner 2003a, p. 72) were possibly two reasons why the legislatures designed the SMUs only in largely populated cities while disregarding such option in the fragmented rural areas. Hence, only five metropolitan

Corresponding author. E-mail addresses: jakub.lysek@upol.cz (J. Lysek).
Department of Political Science and European Studies, Palacký University,
Křížkovského 12, Olomouc 771 80, Czech Republic. IGA_FF_2016_15.

J. Lysek (✉)
Department of Political Science and European Studies, Palacký University,
Olomouc, Czech Republic

cities in the country were subdivided into the SMUs. But, immediately after, other three smaller cities opted for decentralization. The SMUs are currently striving for more power, competencies, and increased funding.

The Municipal Law defines precisely the foundation of the SMUs: Territorially subdivided statutory cities govern its internal relations in matters of the administration by means of bylaws issued in the form of a generally binding regulation (Statute), in which the territorial specification and scope of competencies must be defined (Section 130). The SMUs are functioning principally as quasi-municipal entities similar in institutional setting (e.g., directly elected representative bodies) to the municipalities in the Czech Republic. This makes further analysis straightforward. All the SMUs are comparable to each other, only their scope of competencies may differ across statutory cities and its Statutes. Generally, the Municipal Law gives statutory cities a highly flexible tool to organize themselves administratively, functionally, and politically. The aim of this study, therefore, is to analyze the SMUs' function and role, and to identify the drivers or initiators of the creation of the SMUs and the role the SMUs play in terms of representative democracy and multilevel governance in the Czech Republic. The study addresses the following questions: How often do Czech statutory cities decide to organize sub-municipal councils? What were the drivers of reform? What is the role of the SMUs in the provision of local government functions? What is the level of citizens' interest in the SMUs?

The current state of literature gives only limited answers to these questions as the sub-municipal level has hitherto remained largely understudied. Although there are studies on Western European countries (Bäck et al. 2005; Van Asche and Dierickx 2007; Lowndes and Sullivan 2008; Ostaaijen et al. 2012; Tavares and Rodrigues 2015), similar studies are rather rare in the case of Central and Eastern Europe. Just recently the sub-municipal level was examined in Slovenia (Bačlija and Brezovsek 2006; Bačlija and Haček 2009) and Poland (Swianiewicz 2014), yet the Czech Republic is being neglected, and the local literature does not cover much of the field either. So far, the only publication on sub-municipal level was published by Exner (2004), but it was principally devoted to the legal-technical perspectives on the group of statutory cities, while the political, functional, and territorial dimensions were vastly neglected. A recent study by Ryšavý and Šaradín (2011) found that the SMUs' councilors do not differ in their opinions to their municipal counterparts but with one exception. In the subdivided statutory cities, the councilors are more

in favor of decentralization. Yet further elaboration is missing. The following sections try to fill the gap in the national research as well as to present the Czech case to international scholars of local public sector.

The chapter is structured as follows. Following the introduction, a brief section on statutory cities, representing the only group of the municipalities in the Czech Republic to which the power to subdivide themselves was granted, is presented. Subsequently, the Czech system of statutory cities is explained, including a density of the SMUs, in addition to various descriptive statistical data as well as the reform drivers. The fourth section analyzes the scope of competencies, the SMU finance, and administration. The fifth section is dedicated to the questions of legitimacy, trust, citizens’ participation, and politics. The chapter concludes with possible prospects of the SMUs system in the Czech Republic. The main argument as proposed here is that the Czech system of sub-municipal governance has unexploited possibilities to partly counterbalance the negative effects of fragmented municipal structure due to the previous secession of peripheral municipalities from the statutory cities, and to functionally stabilize the surrounding suburban areas of statutory cities by capturing economies of scale.

STATUTORY CITIES: A RIGHT TO SUBDIVIDE INTO SELF-GOVERNING UNITS

The legal status of all municipalities as self-governing entities is the same, irrespective of their size and of their urban or rural character. An exception is the capital Prague and the statutory cities that can be subdivided into self-administered city parts or city districts (Illner 2003b, p. 265). The system of statutory cities has its origin in Austrian-Hungarian administrative tradition (Hledíková et al. 2005). Formerly, the title “statutory city” was regarded as a historical legal term indicating the specific position of those cities in their administrative tasks and the degree of subordination to state power. In the 1960s, the communist government formally subdivided the largest cities into so-called national district committees (*obvodní národní výbory*). These committees were an integral part of the country system of national committees within the hierarchically deconcentrated state power of former Czechoslovakia under the totalitarian political regime. Such provision rather resembled the party territorial and organizational structure to current system of decentralized and deconcentrated

municipal administration (Exner 2004, p. 63). After 1989, with the renewal of democratic self-governing local system, the national district committees were transformed into city districts or boroughs in line with the newly adopted Municipal Law and Statute issued by a city, respectively. As of now, the term of a statutory city is principally viewed in terms of internal subdivision or self-organization.

In 1990, there were 13 statutory cities in addition to Prague. Prague has the formal status of a capital. The decentralization, the territorial division, and the scope of competencies are thus defined in a special law on the city of Prague. Although the law refers to its Statute, but Prague itself is not included in the list of statutory cities. Along with Prague, only four of the statutory cities (Brno, Ostrava, Plzeň, and Ústí nad Labem) had been subdivided into the SMUs. The initial state of affairs was due to the fact that those cities were the largest in the Czech Republic. In 1991, the statutory city of Liberec created the city borough in parts of Vratislavice nad Nisou. Within the year, Pardubice opted for its decentralization and subdivision. The final and so far the only statutory city that has decided for decentralization was the city Opava, located in the northern part of the Moravian-Silesian region. As of 2016, just 7 of the 26 statutory cities are subdivided (see Fig. 3.1).

In the Municipal Act, the statutory cities are exhaustively listed. If a municipality chooses to become a statutory city, an amendment to the Municipal Act must be approved by the national parliament. The support for type of approval must be negotiated with the central government as a mayor formally sends a proposal to the Minister of Interior with justification. As stated by Exner (2004, p. 161), however, becoming a statutory city results rather from the partisan-lobbyist process than as in terms of central-local negotiation or even as conscious local government's administrative and territorial reform. Mayors of Czech large cities are regularly influential members of the national political parties and are frequently members of the Senate, the upper house of the Czech Parliament. The Senate has been in favor of amending the Municipal Law by adding statutory cities Prostějov and Jablonec nad Nisou, despite the fact that these cities are small in their population and, in this case, the decentralization was not the main motive behind. There is no functional *raison d'être* for a municipality to transform itself into a statutory city in case the municipality is not willing to decentralize itself. Therefore, the main motive for seeking the statutory title is arguably political. It is associated with perception and prestige, rather than its functionality; in the undivided cities, the

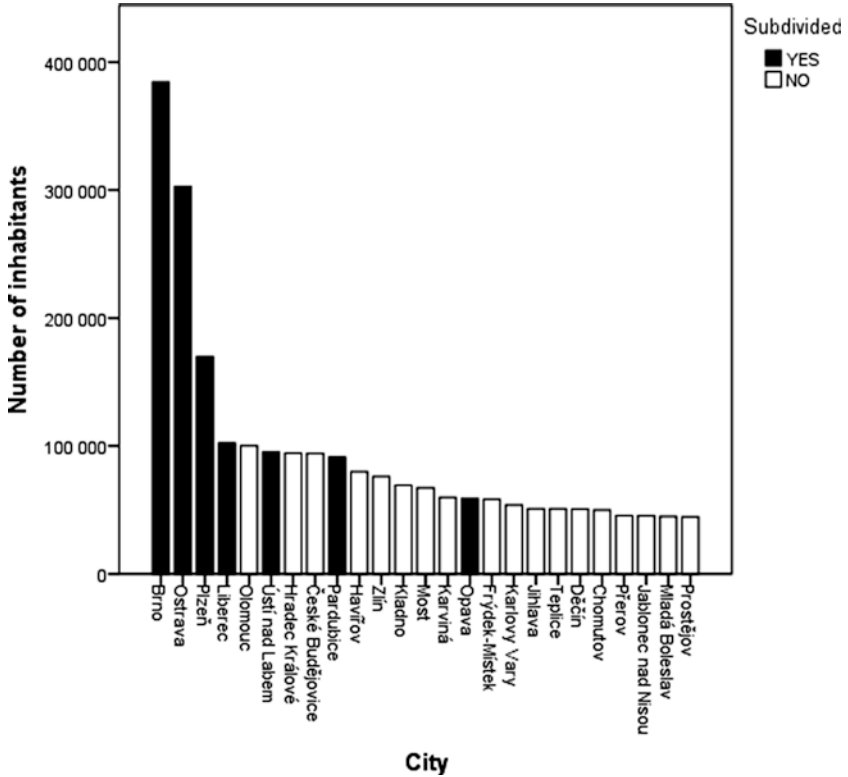


Fig. 3.1 Subdivided and unitary statutory cities in the Czech Republic and number of inhabitants. Source: own elaboration based on figures of the Czech Statistical Office. Note: The capital city Prague is excluded from comparison due to its population size; in addition, it is not a statutory city, but the capital

statutory city status is somewhat ceremonial. The specifics of the Czech context is the distinguished title *primátor*, which mayors of statutory cities use. This prestigious title with increased salary is another reason for mayors of smaller cities to seek for the statutory status. Yet the difference between the municipality and statutory city is virtually none, or at least negligible. For that reason, the institution of statutory city does not fulfill the initial presumed tool for autonomous decentralization to shift decision-making closest to the citizen in large urban areas.

The concept of statutory cities—in the Czech system of municipal law—is defined as an autonomous normative act of a municipality that addresses a decentralization of (city) competencies and the scope of authority by means of self-governing bodies that are not designated to be self-governing territorial units (municipalities). Therefore, the SMUs do not have any legal status or legal personality in the Czech system of self-government and are not independent and self-governed “public corporations”, as stated in the legal and constitutional term (Article 101) for municipalities and regions (the intermediary level) in the Czech legal administrative context. SMUs are simply parts of the municipality, introduced by the Generally Binding Ordinances of the Municipalities as a legal act—Statute. The Statute of the city is, from the legal point of view, rather an organizational and functional internal document. The SMUs are subordinated to an “establisher”—a municipality. The sub-municipal bodies (SMUs) are termed either city districts (*městské části*) or city boroughs (*městské obvody*). Both are commonly referred to as “little town-halls”. There is no functional distinction, just the title or naming. The Municipal Act (Section 20) presumes the city districts or a city borough as just an organizational unit of a city. City districts or boroughs, unlike municipalities, are not permitted to issue generally binding regulation in the scope of independent power; they can only consult such regulations on the municipal level. However, from the practical view, the functioning of the SMUs does not differ much in comparison with municipalities in the Czech Republic.

The eventuality of creation of the SMUs within a statutory city is on a purely discretionary basis. It is within the municipal council’s discretion if and how it will divide itself into a territorial, scale, and functional dimension. The central government has essentially no legal or any other means to force a municipality to create the SMUs and has virtually no means how to affect any functional design of SMUs within a city. Generally, statutory cities have wide discretion in determining the scope of competencies of the SMUs. This gives statutory cities a highly flexible tool on how to functionally organize itself. The Municipal Law does not specifically grant any independent powers to SMUs. The scope of independent competencies fully depends on Statute. Yet, in terms of delegated state power, the Municipal Law generally grants the SMUs the same scope of competencies as any other municipality unless a statutory city lawfully revokes competencies in delegated state power. These should be exhaustively listed in the Statute as advised by the Ministry of Interior’s legal guidelines.¹

The resulting system of decentralization is extremely flexible. The number of SMUs, its size, and the scope of competency division in carrying out self-power and state power vary greatly between cities and even within cities.

FREQUENCY, DENSITY, INTRA-NATIONAL DIVERSITY, AND REFORM DRIVERS

The chapter focuses on an analysis of organizational settings of the SMUs in the Czech statutory cities. There are currently 140 SMUs in the 7 statutory cities and Prague. Around 2 million out of 10.6 million Czech citizens live in SMUs, each electing their own sub-municipal political representatives to work alongside their municipal counterparts. The smallest SMU in the Czech Republic has just 276 inhabitants, while the largest, Prague 4th District, consists of 127,723. The average population of SMUs is 16,379, with a standard deviation of 25,213. This suggests a high level of variation in the population size. The issue could be explained by the fact that most of the SMUs in the Czech Republic can be found in large cities and could be considered metropolitan. On the other hand, there are several districts or boroughs that are detached from the core city and can be considered either suburban or even rural. This determines the final form of decentralization of a city (Table 3.1).

The overall configuration of the sub-municipal governance is purely left to the discretion of statutory city. Therefore, the internal division and the scope of competencies differ not only among cities but also within a city, if in the Statute it is stipulated that a certain agenda is conducted for more districts by a specific assigned district.² We can principally distinguish two types of subdivided statutory cities. The criterion here is the territorial division which, in the case of asymmetrical cities, is not evenly designed:

1. *Symmetrically divided* municipalities—the whole municipal territory
2. *Asymmetrically divided* municipalities—in the parts of municipal territory and the central district is governed by central magistrate

The original four statutory cities and Prague had already been decentralized since 1989. The reason was quite clear as those cities were the largest and the most populous. Equally sized municipalities in Europe have likewise experienced city subdivisions when several city districts were

Table 3.1 Number of inhabitants in sub-municipal units

<i>City</i>	<i>Sum</i>	<i>N (SMUs)</i>	<i>Minimum</i>	<i>Maximum</i>	<i>Mean</i>	<i>Std. Deviation</i>	<i>% of Total Sum</i>
Prague	1,241,664	57	277	127,723	21,784	32,370	54.1
Brno	385,913	29	577	64,316	13,307	14,478	16.8
Ostrava	296,222	23	676	106,974	12,879	25,546	12.9
Plzeň	170,322	10	769	52,025	17,032	21,615	7.4
Ústí nad Labem	92,496	4	13,746	35,266	23,124	9052	4.0
Pardubice	90,764	8	276	20,624	11,346	7768	4.0
Liberec	8109	1	8109	8109	–	–	0.4
Opava	7529	8	284	1846	941	564	0.3
Total	2,293,019	140	276	127,723	16,379	25,213	100.0

Source: Czech Statistical Office, <https://www.czso.cz/csu/czso/population-of-municipalities>

Note: Opava and Liberec—the central district is not counted, because the central magistrate directly administers it. Therefore, the total number does not match with overall population size of the city

given certain level of autonomy, thus establishing a multilevel city government with competences divided to some extent between the central city level and a local district level (c.f. van Asche and Guido Dierickx 2007; Ostaijien et al. 2012; Swianiewicz 2014). The more intriguing question, though, is related to small statutory cities. Since the majority of other statutory cities remain undivided, it is difficult to determine the general reasons for establishing the SMUs. With a “sample” of three cities, the results can be suggestive but hardly conclusive. Although each of them has its distinct rationale, we can possibly indicate two further universal motives behind: first, the adaptation to the specifics of the territory, and second, to bring the process of decision-making closer to the citizen and to become spawning ground for greater participation and democracy.

All the decentralized cities are listed in the classification Table 3.2. Within the group of symmetrically decentralized municipalities, we also have the smaller city, Ústí nad Labem, and the smallest one, Pardubice. The decentralization of Ústí nad Labem began in 1986 due to its industrial development and the administrative reform when several villages were merged with the city. Despite the fact that some of the municipalities seceded after 1989, the city still retained the SMUs after 1989. The main argument to do so was “bringing decision-making closer to the citizens” as stated by the local political elite. Similarly, the same reasoning led to the decentralization of the city of Pardubice. Another motive behind it was to

Table 3.2 The classification table of the Czech decentralized statutory cities and the capital

<i>City</i>	<i>Formal position</i>	<i>Terr. division</i>	<i>Since</i>	<i>Reasons of decentralization</i>	<i>Current state^a</i>
Prague	The capital city	Symmetrical	1923/1990	Population size	Generally undisputed ^b
Brno	Statutory city	Symmetrical	1971/1990	Population size	Generally undisputed
Ostrava	Statutory city	Symmetrical	1971/1990	Population size	More competencies to SMU
Plzeň	Statutory city	Symmetrical	1971/1990	Population size	Undisputed
Ústí n. Labem	Statutory city	Symmetrical	1986/1990	Size, “closer to the citizens”	Partly challenged
Pardubice	Statutory city	Symmetrical	1992	“Closer to the citizens”	Strongly challenged
Liberec	Statutory city	Asymmetrical	1991	Specific detached part	Undisputed
Opava	Statutory city	Asymmetrical	1992	Specific peripheral rural parts	More finance to SMU

Note: Information requested from the municipal offices of statutory cities. Interviews with city officials and representatives

^aIndicates if the current state of affair is challenged or undisputed, or if SMUs demand more competencies and the change of a Statute

^bA Prague 11th District’s council recently called for secession from the capital and to become an independent municipality, yet in other districts there are no such signs of those tendencies

prevent fringe municipalities from seceding from the city after the reestablishment of the local government system after 1989.³ To put this into a context, the Czech Republic experienced an excessive growth in the number of municipalities in the early 1990s (Illner 2003a, p. 72). This argument was partly proved in 2006, when the village named Hostovice joined the city and became the eighth borough of Pardubice. Indeed, the city has not experienced any further secession of municipalities and it has even managed to grow its population since 1990. Conversely, in the case of the statutory cities that did not opt for decentralization, the secession of fringe parts that later became independent municipalities has been more frequent. However, since also few municipalities seceded from the decentralized statutory cities, any firm conclusion cannot be drawn from such limited cases. It seems that decentralization tends to prevent further secessionist

ventures, nevertheless not necessarily under a specific context of the municipality, which could be historical, political, or steaming from strong local identity.

The resulting form of territorial division of a city is to some extent associated with the main motives of decentralization. Two cities—Opava and Liberec—have opted for the same solution. Opava has 58,000 inhabitants of which only 12% are living in the SMUs as result of the city's administrative reform. The main reason behind establishing the SMUs in parts of the city was dominantly the territorial one. In addition, the prevention of further secessionist tendencies had also played a role in councilors' decision. The city of Liberec has a population of approximately 103,288 inhabitants. The city has just one borough, Vratislavice nad Nisou, with a population of about 8000. In the Czech context, this can be perceived as a "small city". The central magistrate directly governs the main part of the municipality, while the sub-municipal bodies—the council and board—govern the municipal borough. There are three reasons for this. First, the city borough is rather detached from the city of Liberec and its main part. Second, as related to the previous one, the municipality Vratislavice nad Nisou has its own local cultural and historical identity as it had been an independent municipality for a long time in history. The final reason is just utilitarian; if Vratislavice nad Nisou had seceded from Liberec, the total population of Liberec would have dropped under 100,000 inhabitants, which was the general threshold for getting more financial resources from the Budgetary Allocation of Tax Revenues (*Rozpočtové určení daní*). Both cities have the central part governed by the central magistrate and the SMUs were precisely created in the fringe city parts that are detached from the central urban area.

In asymmetrically subdivided statutory cities, the decentralization was challenged neither by the local politician nor the public or nongovernmental organizations (NGOs). From the practical point of view, such decentralization has indeed its undisputable merits. This claim is also supported by a recent development in the city of Opava that responded to its SMUs demands. As the deputy mayor of the city of Opava, Simona Bierhausová, stated: "the old Statute was obsolete as it has not been changed for 10 years. The SMUs got more money from the central municipal budget as the share of revenues increases for the SMUs. The city also transferred all the properties and estates of which the SMUs asked."⁴ Similarly, in large symmetrically divided metropolitan cities, the existence of sub-municipal system of local government was not challenged either.

Mayors of Brno, Ostrava, and Plzeň as well as mayors of their SMUs strongly opposed to the idea of a Union of Towns and Municipalities of the Czech Republic to amend the Municipal Law by a clause on abolishing city districts and boroughs.⁵ They pointed out that the abolition of SMUs would not save operational costs and enhance efficiency. The mayor of Brno stressed that just the central city district consists of the same population as most of the other statutory city. The general trend is rather the opposite in the Czech Republic. The SMUs are demanding more power and competencies as well as financial means and a larger share on the central budget. For example, the city district of Poruba even elaborated its own amendment of the Statute of the statutory city Ostrava. “The city itself admits in its own strategic document that it does not precisely know the needs of its own citizens. The SMUs, on the other hand, know them quite well. Since the districts have better notion about how and where to direct finances, the more competencies and financial means should have been granted to fulfill all the tasks” claimed the mayor of the Poruba District.⁶ This case is very illustrative and points to several problems that are to a certain extent common to all the decentralized statutory cities: insufficient financial resources, no clear division of power and competencies between the central municipalities and city districts, no multiannual financial framework and lacking competencies to elaborate a strategic development plan.

There have also been strong voices that the competencies of the SMUs should be limited or that the SMUs should be terminated at all. The creation of the SMUs has not been confronted as much as in the city of Pardubice. Such efforts resulted in an unsuccessful referendum on abolishing the SMUs, which was initiated by the mayor of Pardubice.⁷ The main argumentation was that it is costly, ineffective, and too bureaucratic. It was argued that Pardubice is big enough to justify the existence of eight SMUs, each one with its own mayors, councilors, and staff at sub-municipal offices. The situation was juxtaposed with examples of undivided cities about the same size, such as neighboring Hradec Králové or more distant Olomouc. These allegedly had lower operational costs. This was, however, not proved by any academic study that was initiated by the council (Štainer et al. 2011). Quite the opposite, the recent study (Lysek 2016) showed that the operational cost of running offices and bodies is lower or at least at the same level of the nondivided statutory cities. Ineffective spending might occur in both subdivided and nondivided statutory cities.

To conclude this part, it seems that there are no longer any strong driving forces for the creation of the SMUs or for further decentralization within any other statutory city. Yet we cannot fully discard the possibility of the creation of the SMUs in other statutory cities in the future. Such attempts were recently made, for example, in the city of Prostějov. The mayor and political representative did not thoroughly explain why the small city became a statutory city. The status was questioned by the running opposition parties in the electoral campaign of the general municipal elections in 2014. Also a group of activists from a fringe part of the city Vrahovice, in the past independent municipality, lobbied for the creation of the SMUs. They argued that the city needed to approve the creation of the SMUs to prevent the secession of small fringe villages. This had happened in the 1990s during the territorial fragmentation process (Illner 2003a, b; Swianiewicz 2010, p. 184). Consequently, the municipal board assigned the municipal office to conduct an analysis of the feasibility and economical costs.⁸ Finally, the councilors postponed the decision on the creation of the SMUs due to a higher political and economic cost of the possible reform. In no other statutory city has the possible decentralization been discussed recently.

ROLE, SCOPE, AND POLICY DISCRETION

SMU Competencies and Finance

Generally, the municipalities execute both self-government (independent competencies) and some functions of state administration (delegated competencies), entrusted to them by law. This duality of municipalities' responsibilities is a manifestation of a dual function model of local government, which has a tradition in the Czech lands (Illner 2003b, p. 265). In the case of the SMU, the scope of competencies must be defined in the Statute of the statutory city issued in the form of a generally binding regulation of a municipality (Section 130 of the Municipal Act). A Statute must contain a list of individual city districts or boroughs and a specification of their cadaster, the power of the city bodies and the bodies of SMUs in the scope of independent and delegated competence, the sources of financial income of SMUs, and types of expenditure related to the fulfillment of tasks in those competencies. In general, the sub-municipalities have the same scope of responsibility as any other municipality in the Czech Republic unless the Statute stipulates differently. The only distinction

is that the Municipal Act does not permit SMUs to issue its own regulations and SMUs are not legal entities. Apart from this, the sub-municipalities are indeed regarded as quasi-municipal entities in the Czech system of local public sector.

The extreme situation under the most limited scope of both independent and state-delegated competencies would be represented by an SMU with only a mayor who would conduct state-delegated power as are pre-given by the law. Such SMU would not have a full-fledged sub-municipal office and employees. The municipal council would be of the minimum size and with not full-time mayor. In this case, such setting would resemble the basic Czech municipality of the first type that are the smallest villages with basic competencies (see Illner 2010, p. 511). Such setting is similar to the one used in Opava. Generally, from the analysis of the municipal statuses, we can draw a conclusion that larger cities grant a greater scope of competencies to their SMUs than smaller statutory cities like Opava. This makes sense as most of the city districts in Prague are usually bigger in population than Opava itself. SMUs in Prague and Brno closely resemble large municipalities in the Czech Republic in terms of size, both the population and budget, and the scope of competencies—likewise second type and third type municipalities execute wider range of transferred responsibilities. In terms of Statute specification, Brno Statute has 74 pages, Ostrava 58, meanwhile Opava Statute has only 15 pages. It is not a surprise that districts in Prague, Brno, Ostrava, and Plzeň conduct a wide range of functions to the same extent as medium- or large-sized municipalities, particularly in the fields of education, housing, social services, infrastructure, transportation, culture, and sport (Illner 2003a, p. 70; Štastná and Gregor 2011). Furthermore, the transferred power varies in time. Generally, more power has been transferred to the SMUs in some smaller statutory cities. In large cities, the scope of competencies has remained somewhat still. The SMUs have autonomous power granted in a city Statute; however, the scope of competencies can be limited or extended by ordinary amendment to the Statute which formally has as much power as any municipal regulation.

Obligatory as a legal entitlement of the SMUs, the municipality must allocate financial means on conducting of the delegated power that were transferred to the SMUs level. The financial transfer must be stipulated in the Statute. However, the Municipal Law does not specify the exact formula to determine the overall amount of financial resources. The overall amount is in the central city discretion, dependent on the council decision,

respectively. The council takes the decision annually on a session in November as a part of the adoption process of municipal budgets. The SMUs in the Czech Republic have regularly complained about the absence of any multiannual framework that would enable a long-term planning.

The SMUs have quite large autonomy in budgeting because the Municipal Act simply stipulates: “the finances of a city district or a city borough shall be examined by the city office of this city” (Section 42). The budget is, though, passed by the SMU’s council without much inference from the central municipality. Moreover, the SMUs are not eligible to have deficit financing unless they cover its previous surpluses from former in previous years (section 4 of the Act on the Local Self-government Budgets). An exception may be applied if an SMU invests financial means into infrastructure projects on which they can obtain public (municipal or regional) funding. Then they can take loans with an approval of the central city council.

The overall share of the budget expenditures of SMUs on central municipal budget is approximately 12.58%. Yet the figure varies across decentralized statutory cities. For example, in the second largest city Brno, the share is exactly 23%.⁹ The least “fiscal decentralized” city of Opava grants the least financial means to its sub-municipalities. Asymmetrically divided cities distort the overall mean because the central part is directly administered. Therefore, the more relevant figure is a mean value weighed by the total population living in the SMUs, which is 18.27%. This number gives us a better picture of the fiscal decentralization of the SMUs in the Czech system of statutory cities. Generally, 80% of budget income comes from direct payments from the central municipality and 20% are shared tax revenues with the central municipality. The SMUs have limited number of own sources of revenues. These are local fees (a dog fee, waste fee, etc.), revenues from leasing, or financial donation. Own revenues, however, have only negligible share on total sub-municipal budget. SMUs can, however, obtain EU, state, or regional funds for various projects.

Most expenses are concentrated on administration (about 25%), followed by fields such as education, housing, environmental protection, transportation, culture, and sport.¹⁰ Most of the expenditures are obligatory; therefore, mayors of several SMUs have recently complained about insufficient funds for infrastructure or capital investment. Yet there might be variation in spending policies within cities as well. And further analysis on sub-municipal levels is thus needed, both budget data and the survey of mayors and city managers.

The SMU Administration

The organizational structure of the sub-municipal office resembles municipalities. In small sub-municipalities, the office is staffed only by a mayor or deputy mayor, who conducts delegated state power. This could be likened to the very small municipalities of the first type (Illner 2010, p. 511). The official head of the office is always a mayor. Nevertheless, in most of the SMUs, the office is completely staffed and divided into departments. The secretary, then, directs the sub-municipal office and is responsible for organizational and personal policy of the office. The secretary of the office of a city district or a city borough is appointed or recalled by the mayor with the approval of the secretary of the statutory city office. The appointment and recalling of a secretary of the office of a city district or city borough without the approval of the secretary of the city office is invalid (Section 140). Regular employees are appointed or hired depending on the Law on Administrative Personnel of Self-Governments. The same rules as for the officials of regional and municipal office are applied. This Law guarantees some safeguards for unjustifiable layouts of personnel, thus limiting the politicization of office to some degree.

Table 3.4 shows the figures on number of municipal (*Magistrate*) and sub-municipal offices employees (city districts or city borough office). There is a clear correlation between the above figures on budget shares (Table 3.3) and the number of employees of the SMU’s office. However,

Table 3.3 Competencies and the share of SMUs expenditures on total statutory city budget 2015

<i>City</i>	<i>No. of pages (Statute)</i>	<i>Competencies</i>	<i>Budget share in %</i>
Praha ^a	402	Strong	19.50
Brno	74	Strong	23.00
Ostrava	58	Strong	16.80
Plzeň	76	Moderate	10.90
Ústí nad Labem	18	Moderate	9.90
Pardubice	31	Moderate	10.90
Liberec	18	Weak	7.20
Opava	15	Weak	2.50
<i>Mean</i>			<i>12.58</i>
<i>Weighted mean by the population</i>			<i>18.27</i>

Source: Figures requested from the municipal offices

^aPrague is the capital city and as such it has also a Statute of a region. Therefore, the figure is not comparable to other statutory cities. According to the head of the Budget Department, the figure would be higher if the “municipal” budget was cleared from regional expenditures, which is technically impossible for some internal reasons.

Table 3.4 The number of personnel in central magistrate and in sub-municipal offices

<i>City</i>	<i>Total</i>	<i>Central Magistrate</i>	<i>SMUs Offices</i>	<i>SMUs/Total in %</i>
Prague	6958	2219	4739	68
Brno	2080	1156	924	44
Ostrava	1884	778	1106	59
Plzeň	833	566	267	32
Ústí nad Labem	489	352	137	28
Pardubice	451	351	100	22
Liberec	385	357	28	7
Opava	334	320	14	4
Total	13,414	6099	7315	55

Source: Requested from the municipal offices, see also Lysek (2016)

what is surprising is that two cities—Prague and Ostrava—have on sub-municipal level far more employees than on the central magistrate level. Prague has also status of the region and some of its districts are about the population of other statutory cities. This can explain such asymmetrical division of labor between the central and the sub-municipal level compared to the other cities.

POLITICS IN SMUs AND CITIZENS' PARTICIPATION

Elections and Turnout

The SMUs have basically the same institutional structure as any other municipality in the Czech Republic: the sub-municipal council, board, and a mayor. The sub-municipal council is directly elected. Then the council chooses among its councilors the members of the sub-municipal board and a sub-municipal mayor. The sub-municipal government could be labeled as collective and the mayor's role is largely facilitative. As Heinelt and Hlepas (2006, p. 34) show, the Czech Republic practices a “collective form” of local government where the mayor is a “collegial leader”.

The direct elections are held every four years under a proportional electoral system with a 5% threshold. The elections to the SMUs council are held simultaneously with general municipal elections. The identical electoral

rules apply to the SMUs as well as to municipalities. The term thus coincides with the municipal term of office. In total, there are 2548 councilors being elected within (59,573 in total). The electoral results are highly proportional. The electoral system itself is one of the most complex systems of local elections in Europe. The reason is that voters can cross candidates on the ballot paper, yet the votes are not received by the candidate, but the candidate list (political party) instead. Implications are that party offices dominate the selection rather than voters because each candidate needs 10% more votes than within the list average per candidate, which is in the reality of electoral contest hard to achieve, particularly in big electoral districts of large cities (Lebeda 2009, p. 332). In small municipalities, independent candidates are most successful, while the greater the size of the municipality, the larger the role of political parties in the elections (Lacina and Vajdova 2000, p. 265) (Fig. 3.2).

The electoral turnout in divided statutory cities is around 36% as total for the last 2014 municipal elections, thus featuring typical characteristics of second-order elections (c.f. Heath et al. 1999; Šaradín 2008). In the case of the SMUs, the voter turnout is just the same as for the central council because of the joint ballot paper. Therefore, we cannot discern the electoral turnout to central council to sub-municipal one in symmetrically divided cities. Some clue is given by the case of asymmetrically divided cities of Liberec and Opava, in which the turnout in the SMUs is substantially higher than the average to the central municipal council. But still this figure just implies, due to the joint ballot, that in smaller units the turnout is higher to both sub-municipal and central councils. Nevertheless, the different level of a turnout across sub-municipalities could be analyzed by means of a simple linear regression, whereas the main and only predictor is the logged SMU population. In nearly all the countries, the voter turnout is higher in smaller municipalities than in larger ones (Dahl and Tuft 1973; for the CEE region see Swianiewicz 2002). This general rule also applies to the population of Czech sub-municipalities (Ryšavý and Bernard 2013). With a unit increase change in the logged population, the electoral turnout decreases by 13.2 percentage points. Just one variable explains 63% of the variation in the dependent variable. The highest turnout is in small sub-municipalities, which mirrors the general pattern in the Czech Republic. In the comparative perspective of Central and Eastern Europe (Bačlija and Haček 2009; Swianiewicz 2014), the turnout is arguably high to the SMUs council. The main determinants are institutional (joint ballot

City	Turnout in SMU	City council
Prague	37,30%	x
Brno	38,40%	x
Ostrava	29,60%	x
Pišeň	33,70%	x
Ústí nad Labem	31,10%	x
Pardubice	35,20%	x
Liberec	42,40%	35,68%
Opava	59,00%	35,32%
Total	36,10%	

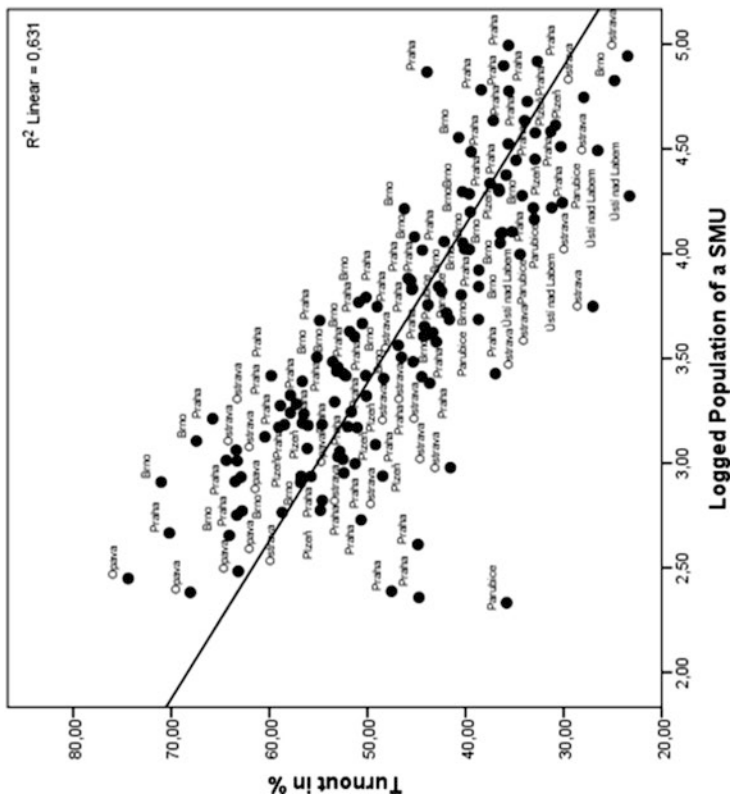


Fig. 3.2 The turnout in municipal election to city district/borough councils in 2014. Note: $\beta_1 = 94,8-13,2 \cdot x$. Labels are the names of the statutory cities of which is a SMU member. Source: Czech Statistical Office (in English), <http://www.volby.cz/>

box, the same term, proportional system) as well as political because the Czech SMUs play rather large roles and have larger budgets. Comparing with Polish decentralized cities, the turnout is nearly triple the turnout of the city Łódź, which scored the highest among Polish cities possibly due to the fact that the elections were organized on the same day as city mayor and city council elections (Swianiewicz 2014, p. 183).

Trust, Legitimacy, and Citizens' Involvement

One of the main missions of sub-municipal governance is to enhance legitimacy and responsiveness of municipal institutions. Do the Czech citizens see the SMUs as legitimate tool of local governance? Generally, in most countries, the trust in local government is stronger than trust in central (national) government (Levi and Stoker 2000; van Assche and Guido Dierickx 2007). The same applies in the Czech context. Trust is higher in smaller municipalities than in large cities, which follows the general trend in other countries as well (Denters 2002, p. 793). Unfortunately, we do not have exact figures for the SMUs as neither surveys aimed at sub-municipalities. The question of the Centrum for Public Opinion (CVVM) is general on municipalities even though the districts and boroughs are included in the wording of the question. The only knowledge about the general trust is that 63% of citizens trust “in local governments, mayors of municipalities, city districts and boroughs”. For the largest statutory city, the level is lower around 54%, and in the smallest category of municipalities around 70%.¹¹ To put this into the Czech context, the trust in the national government is only the third of the municipal level, and the trust in the members of both chambers of the Parliament is even lower. Furthermore, we have some proxy measures of trust or perceived legitimacy of the SMUs. A central municipal government can decide whether the SMUs shall be terminated; however, if citizens disagree, the Municipal Act prescribes a referendum within a period of 30 days. Then it is up to citizens' will whether the SMU is meant to be terminated or continued. Exactly this happened in the city of Pardubice where citizens were asked to confirm if they agree with the subdivision of the municipality into city districts. Pardubice is a specific case, because it is comparatively a small city that opted for full-fledged decentralization, and where the decentralization was challenged the most. Eight districts are just administratively named Pardubice I to VIII, even the recently joined village of Hošťalkovice as the newly attached eighth district. It seems that administrative names

do not encourage local patriotism and perceived legitimacy compared to divided cities, of which “little town-halls” have retained their historic original names. Nevertheless, the 60.2% of those who voted in referendum favored retaining the city districts.

Since 2006, the Ministry of Interior has been constantly monitoring all the referendums conducted on the local level. On average, around 40 obligatory referendums are called yearly in the Czech Republic. The SMUs might call referenda in the scope of its independent competencies granted by the municipal Statute. In total, four referendums were held in Prague SMUs and the above mentioned one in Pardubice. In Prague, none of the referendums were valid due to the low turnout (scoring between 13.8% and 25.5%). The three referendums were about prohibiting gambling in respective districts. The sub-municipal councilors here used the referendums as a political tool to affect the central council in a decision on prohibiting gambling in the whole of Prague. This provoked legal concerns as the authority was not clear if a prohibition on gambling in one part and not in another would make not only the Prague citizens confused. The fourth and the last referendum was about transforming unused zones into parks. Ever since then, no other referendum took place. Direct democracy on the sub-municipal level faces the same obstacles as on the municipal level. The quorum is 35% of all the eligible voters. The majority must have at least 25% of all the eligible voters in the municipality. The chances are higher in smaller municipalities (Smith 2007), and implicitly in smaller SMUs as well. In larger Prague districts, the voter turnout is generally low and even if the referendum is held simultaneously with other types of elections, turnout rarely exceeds the quorum.

As argued by Kersting and Vetter (2003, p. 340), in the light of growing political apathy and disillusionment, more direct channels of political participation are often assumed to be a way out of the rising input crisis. While local referendums are well established in the Czech Republic (Kersting et al. 2009, p. 63), the democratic innovations (Smith 2009) such as participatory budgeting, round tables, forums, mini-publics, and so on have not been frequently used on the municipal level. The collection of a coherent dataset has yet to be done, but it seems that democratic innovations are taking place in the SMUs that are part of big metropolitan cities such as Prague, Brno, and Ostrava, and more specifically, in those districts where citizens feel patriotic and perceive a local identity. The pioneering participatory budget took place in a SMU—Prague 7th District.¹² The current state is that Prague 3rd District and 10th District¹³ as well as

Ostrava-South District are also conducting the project.¹⁴ If successful, it seems that the SMUs will be pioneers of democratic innovations in the Czech Republic, because on the municipal level, basically only two municipalities, Semily and Říčany, have successfully gone through the participatory budgeting project.

Involvement of the citizens is of major importance especially in undivided statutory cities. Since they have not established the “little town-halls”, the participation of citizens living in city parts is limited only to so-called neighborhood councils (*osadní výbory*), which can be established by a municipality. However, it must be stressed that neighborhood councils cannot be considered as SMUs in the Czech Republic. The Municipal Law regulates their function and structure, and it is within the municipal council’s discretion if and how neighborhood councils will be created and designed. The members are appointed by the municipal board, therefore lacking democratic legitimacy. Moreover, their function is questionable if staffed primarily by the party members of ruling city government. Yet they can serve their purpose. The neighborhood council can submit its own proposals, can comment on proposals prepared by the municipal councils, and can comment on citizens’ initiatives. Interestingly, even the “little town-halls” can establish neighborhood councils, which is the case of SMUs in statutory cities Brno, Plzeň, Liberec, and Pardubice. For example, the Pardubice IV has established five neighborhood councils. However, researchers should not overestimate their role within the Czech local democratic system as well as the importance of the other advisory committees of which some are compulsory by the law.

Politics and Policy in the SMU: Central Sub-municipal Relations

There are no specific restrictions in terms of candidacy on the SMU level. A candidate can be simultaneously on the list to the central municipal council as well as to the SMU council, and if elected, he or she can retain both seats. Implications are that some councilors, then, are members of municipal board or even deputy mayors on the central municipal level. Such cumulating of functions usually upset several voters; on the other hand, this seems to be useful in policy bargaining with the central municipal government. The councilors can influence sub-municipal political decisions only indirectly by political lobbying or by public pressure. The mayor of a city and deputy mayors have the right to attend sub-municipal council meetings where they have an advisory role. Likewise, mayors and

deputy mayors of the SMU have the right to attend municipal council meetings with an advisory role. Apparently, mayors and members of sub-municipal boards who are not only rank-and-file members of the parties governing at the central municipality but also high-ranking members within their party organizations are more capable of lobbying for the particular policy interest of their home SMUs. Political conflicts between little town-halls and central municipal governments do occur occasionally in the biggest municipalities as Prague, Brno, and Ostrava. This is usually limited to a few districts that are also governed by the opposite parties which form the ruling coalition, or as a result of within party internal struggle. A recent case in the city of Ústí nad Labem illustrates conflicts between central and the SMU level as one councilor complained that “the city districts serve as a landfill for useless politicians and pointless rebellions”.¹⁵ However, those disputes should not be overstressed. The central political representation has no power to recall sub-municipal elected representatives. The only way to terminate SMUs is to pass a municipal act on abolishing sub-municipalities or call a referendum on this matter.

According to the Municipal Law, the municipal office is superior to sub-municipal offices with regard to deconcentrated state power conducted by municipalities. Within self-powers, the central municipality has limited rights since the scope of competencies is defined in sub-municipality Statute. A recent study by Kostecký et al. (2012) on regeneration policies in Prague demonstrates that the social policy and urban revitalization of residential areas is carried out by the districts and the central magistrate just coordinates the policy. As an outcome, the SMUs are largely independent in their executive function. Such a situation is mirrored in other policy areas as one manager stated: “the Capital Prague plays the function of intermediary tier ‘region’, and the 57 city parts are like independent municipalities” (ibid.: 52). However, this does not apply to smaller statutory cities, where the central municipality has higher leverage as the SMUs are comparatively small and weak in their competencies.

Finally, could the Czech SMUs serve as a breeding ground for central level politics? Illustratively, a local movement transformed itself into a political party in the Prague 11th District as it had previously spread to other districts. Subsequently, the Public Affairs party became a nationwide political party and gained seats in the 2010 general election (with 10.88% vote share). Another case may be seen in the situation when the deputy mayor of the Prague 3rd District and then the deputy mayor of the capital city of Prague was elected as a leader of the Green Party. Generally, mayors

of the large Prague SMUs are frequently on the top list of the candidates in the parliamentary elections in the Prague electoral district. Smaller SMUs are also possible starting points for a political career, but unlike Prague, this has predominantly a local, not national dimension.

CONCLUSION

The system of the SMUs in the Czech Republic is highly formalized on a municipal level as only the statutory cities can establish the SMUs, but it is very flexible in terms of a functional dimension such as the fields of competencies, territoriality, and fiscal decentralization. The creation of the sub-municipal level brings an opportunity for citizens to be directly involved in the political decision-making process and to ensure a spatial proximity for political problem solving. Czech citizens generally trust the SMU level and the turnout in the elections is comparatively high, especially in the peripheral rural areas of the SMUs with a strong local identity. The sub-municipal level has gained its legitimacy before citizens, though the existence, especially in fully subdivided medium-sized cities like Pardubice, has been contested. In large statutory cities, the SMUs fulfill their task and have arguably adequate financial means as well as organizational and bureaucratic capacity. In large cities, about 18% of all expenditures is allocated through the decision of local sub-municipal councils. Still, there is an intense debate about transferring more power and increasing SMUs' budgets between sub-municipal and central councilors. Regarding the New Public Management measures, these have been largely ignored, though some service provision is also contracted by private or semi-public companies on the SMU level.

Surprisingly, not all the statutory cities have divided themselves and opted for decentralization and deconcentration (state-delegated powers) of its administration. Some cities have established “neighborhood councils”, but they lack any democratic legitimacy because members are appointed by municipal board. The full-fledged sub-local political reform took place in large cities that had already had a kind of “decentralized” administration during the past communist regime. The current situation in the Czech Republic questions or even denies any intended purpose of the statutory cities as only 7 out of 26 are decentralized and thus fulfilling the meaning of the institution. The case of two asymmetrically divided cities—Opava and Liberec—proved that the flexibility in functional and territorial dimensions could be exploited to adequately address specific

needs of governed territory. The creation of the sub-municipal level can balance the trade-offs between the democratic performance and the economy of scale (Tavares and Rodrigues 2015, p. 964). However, the political representation in undivided cities is generally against the creation of the SMUs. A frequently stated reason for not implementing the reform is the fear of raising costs. Yet, the experience of several statutory cities demonstrates that citizens are generally satisfied and that creation of the SMUs has not led to unjustifiable higher expenses in terms of operational cost than in undivided statutory cities (Štainer et al. 2011).

Theoretically, foundation of the sub-municipal level could be viewed as a tool of “voluntary amalgamation”. The Czech Republic, differently to the Western Europe rescaling reforms (see Steiner et al. 2016, p. 31), has experienced a substantial increase in the number of municipalities in the 1990s as a reaction to the earlier consolidation reforms under the undemocratic manner by the communist government (Swianiewicz 2010). Some undivided statutory cities, as opposed to decentralized ones, had lost its fringe parts in the past. And subsequently, they have been facing a bottom-up pressure mainly from the parts with a strong local identity. A possible solution to the problem, then, might be precisely the sub-municipal system of governance. As an outcome, eventually, undivided statutory cities could have incorporated the lost parts. Moreover, the cities would have benefited from higher financial transfers which are primarily determined by the population size. For the small municipalities, unable to launch more ambitious developmental (EU funded) projects, such a solution might be motivating. The large cities have an adequate bureaucratic and budget capacity for a wide range of functions and service provisions. The policy implications, then, is that the further “devolution” should be assessed and considered carefully in undivided statutory cities. In the comparative perspective, the Czech case demonstrates that the idea of sub-local political decentralization could be used not only as a cure for negative outcomes of the amalgamation reforms (Schmid 2001, p. 54; Bačlija and Haček 2009, p. 12; Tavares and Rodrigues 2015) but also as a cure for negative effects of runaway fragmentation which the Czech Republic had experienced in 1992–1993 (Illner 2003a, p. 75). The SMUs as quasi-municipalities can virtually have the same scope of competencies as any municipality, thus allowing for trade-offs between efficiency and democratic legitimacy. Such sub-municipal reform could have served well to the purpose of not only functional decentralization; therefore, it is indeed an unexploited tool in the Czech Republic.

NOTES

1. Document on Decentralization of the statutory city Prostějov, the proposal tabled to the city council on 15 February 2016. Available at <http://mapy.mestopv.cz/soubory/materialy%20do%20zastupitelstva/2015/2.11.2015/>.
2. E-mail communication with Kamil Rajsigl, the head of Organizational Department of the statutory city Brno, email: rajsigl.kamil@brno.cz.
3. E-mail conversation with Jiří Turek, the Head of Department of the Secretary, e-mail: Jiri.Turek@mmp.cz.
4. “*The Statute was amended*”. The statutory city Opava, available at: <http://www.opava-city.cz/cs/statut-mesta-opavy-prosel-upravami>.
5. “*Abolishing SMUs is a nonsense, councillors say*”, Aktualne.cz, available at: <https://zpravy.aktualne.cz/domaci/politika/zrusit-obvody-ve-mestech-nesmysl-rikaji-starostove/r-i:article:515281/>.
6. “*SMUs want to make decision about themselves*”, Ostrava, available at: <https://poruba.ostrava.cz/cs/o-porube/aktualne/obvody-chteji-rozhodovat-o-svem-rozvoji>.
7. “*The referendum on abolishing SMUs*”, IDNES, available at: http://pardubice.idnes.cz/referendum-mestske-obvody-zruseni-duc-/pardubice-zpravy.aspx?c=A130405_1913136_pardubice-zpravy_mt.
8. Document on Decentralization of the statutory city Prostějov, the proposal tabled to the city council on 15 February 2016. Available at <http://mapy.mestopv.cz/soubory/materialy%20do%20zastupitelstva/2015/2.11.2015/>.
9. Email communication with Kamil Rajsigl, the head of Organizational Department of the statutory city Brno. rajsigl.kamil@brno.cz.
10. All city budgets are available on the portal of Ministry of Finance: <http://monitor.statnipokladna.cz/2016/>.
11. Aggregated data file for the year 2016—monthly annual surveys from January to December 2016. Available in SPSS (English) or other formats at: <http://nesstar.soc.cas.cz/webview/>.
12. SmartCities Magazine 2016, <http://www.scmagazine.cz/casopis/02-16/ceska-cesta-k-participativnimu-rozpocetovani?locale=cs>.
13. Prague 3, <http://hlasovani.praha3.cz/>, Prague 10, <http://moje-stopa.cz/>.
14. Ostrava-South district, <https://ovajih.ostrava.cz/cs/obcan/participativni-rozpocet>.
15. “*SMUs will not be terminated in Usti*”, Ustecky Deník, available at http://ustecky.denik.cz/zpravy_region/obvody-mesto-zatim-nezrusi-20130213.html.

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Jakub Lysek is a Ph.D. candidate and Research and Teaching Assistant in the Department of Political Science of the Palacký University in Olomouc (the Czech Republic). His research interests include local governance, public policy analysis, and quantitative methods in social science. More specifically, he focuses on government effectiveness, transparency, and democratic innovations of Czech municipalities.

Decentralisation, Democratisation and Delivery: English Sub-municipal Devolution

Colin Copus

INTRODUCTION

English local government has a long tradition of experimentation with creating new forum and mechanisms to pass decision-making down to geographic areas within the council boundary. The main motivating factors for such decentralisation experiments are political and ideology (a politically normative view that decentralisation is inherently a good thing as it enhances citizen engagement with local politics and decision-making), a response to growing assertiveness among communities (a policy reaction), a replication of experiments attempted elsewhere (a policy-learning factor), a newly emerging factor of responding to austerity and to build community capacity and trust (an economic motivator) and a way of mitigating the ill effects of the large size of English units of local government (an amelioration factor) (De Groot 1992; Clarke and Stewart 1999; Purdue 2001; Wagenaar 2007). The changing landscape of English local

C. Copus (✉)
Department of Politics and Public Policy, De Montfort University,
Leicester, UK

government also influences councils' approaches towards how they form and employ sub-municipal units to engage with the latest centrally inspired policy initiative or organisational construct. Whatever the motivations for decentralisation within council boundaries, the shape, functions, powers and structure of any sub-municipal units and the relationships they have with the council itself are of course decided by the council. In many cases, councils retain control over sub-municipal units' budgets and allow them only to make recommendations rather than decisions.

What we see when we scan the landscape of sub-municipal government across England is a scattered pattern of approaches, by councils, to the way governance within the boundaries of the council will be structured and managed, what the relationship will be with the council and how much autonomy sub-municipal units will be granted by the council. Indeed, one of the patterns that has emerged and is explored in detail in the chapter is for the boundaries of sub-municipal units to be structured to suit the needs of the council, rather than the communities within them. In some cases, deliberate attempts are made for boundaries of sub-municipal units not to follow traditional and identifiable communities, thus undoing any attempts to ameliorate the negative effects of the large size of English councils.

A complicating factor for English local government is that it does not follow an organisational pattern across the country. Thus, some areas are served by single-tier 'unitary' council (which could be a London Borough, a Metropolitan Borough or a newly formed—since the mid-1990s—unitary council), while other areas are served by a two-tier county and direct council; both unitary and two-tier areas may also have any number of elected parish councils. The latter are independent of what are termed 'principal' councils (unitaries, counties and districts) and are separately elected, but they are sub-municipal units—with their own roles, functions and powers and legal existence—within the setting of English local government, as they sit within the boundaries of a principal authority. Yet, England is not entirely parished, so there is no uniform map of parish government across the country.

Given the reasons above for the formation of sub-municipal units within English local government, what remains to be addressed is the contribution sub-municipal units make to the legitimacy and responsiveness of the municipalities within which they are located. Moreover, we also have to question in the English context whether or not such sub-municipal units contribute towards community identity, or at least reflect community identity; or whether they go the way of the formal structure of English local government and ignore identifiable communities for the sake of

administrative convenience (see Wood 1976). In other words, do sub-municipal units make any real contribution to the workings of local government or is their existence simply the result of politically normative views held by councillors controlling any given council.

The other issues to explore are do sub-municipal units make a difference, are they effective, do the parent councils respond positively to their decisions or suggestions and what happens when areas sub-municipal units may be controlled by, or be sympathetic towards, a party which does not hold a majority on the council and in these cases do sub-municipal units serve to undermine rather than enhance the legitimacy of the council? The chapter will provide a broad overview of the nature of sub-municipal units in the context of English local government. It will do this because there is considerable variation in the nature, type, range of responsibilities and tasks of such units, and capturing examples of each of the range of units is beyond the scope of the chapter.

The next section of the chapter will briefly set out and describe the institutional settings of sub-municipal units in England. It will do this to provide sufficient contextual background detail to support the analysis which follows in the rest of the chapter. The third section will explore the different approaches taken towards the formation of sub-municipal units by the parent councils and ask why such units were formed and the expectations held about their role by the parent councils. It will also examine the decisions made by parent councils about the territorial area to be covered by any sub-municipal unit formed and explore the basis on which such decisions are made. The fourth section will review the contribution of sub-municipal units to the legitimacy and responsiveness of their parent councils and examine whether or not such units can overcome the problems associated with the large size of English local government. The fifth section explores the role and contribution of elected parish councils to the fabric of English local government. The chapter concludes by drawing out the main lessons to be learnt for local government from the formation and operation of sub-municipal units.

INSTITUTIONAL AND ORGANISATIONAL ARRANGEMENTS FOR SUB-MUNICIPAL GOVERNMENT IN ENGLAND

Any review of the structural setup of sub-municipal units in English local government must account for the diversity of practice in the formation of such units, which reflect the purpose the parent council has for such bodies. There is no single model or tidy institutional structure of sub-municipal

units across the country. But, some clear institutional patterns do emerge which can be used to identify the most prominent structures and arrangements employed by councils seeking to devolve or decentralise functions, or to develop policy sounding boards within and across local communities. It is those broad patterns that the sections sets out and assesses whether the type of organisational structure developed by parent councils has a link to the purposes for forming sub-municipal units set out in the introduction section. Such an exploration of the structural control of sub-municipal units that parent councils have also brings into question the levels of effectiveness they can have in enhancing the legitimacy and responsiveness of the council to sub-municipal units and their territorial communities. That discussion will take place in the fourth section. What remains here is to set out the most prominent patterns of organisational structure for sub-municipal units.

There are three main approaches to the organisation and structure of sub-municipal units and that structure reflects, as would be expected, the purpose of those units in the eyes of the parent council (the purpose of municipal sub-units is explored in the next section). These approaches may be broadly described as falling into the following categories: a neighbourhood body; government-inspired schemes (or a response to such schemes); and service oversight bodies. The distinctions however do blur, for example, where some organisations are formed because of government policy but cover specific neighbourhoods or functions, or where some may include councillors as well as members of local communities (see Ormerod 2005; Belsky et al. 2007). A further complicating factor in understanding the organisation and structure of sub-municipal units is the degree of autonomy or otherwise that they may have from the parent council—as falling into one category or another is not a signal of levels of freedom held by a sub-municipal unit. It is now necessary to look at each of the categories in turn. Such categories cannot capture the full range of models and approaches or the nuances that might exist within and between the approaches depending on the councils concerned. They are presented to explain the types of sub-municipal bodies that operate within English local government.

Neighbourhood Bodies

Neighbourhood bodies are those sub-municipal units that are created to engage the council with communities within specific geographical areas;

therefore, their shape, that is the area they cover, will follow some form of real or perceived geographical community or area within the boundaries of the parent council. Or, they will collect a few streets, or an estate or other geographical area, which does not have a defined sense of identity, but which has been identified by the parent council, or central government, as requiring some special policy focus (Taylor 2003). Within this broad category, neighbourhoods can therefore be clear, distinct and discrete communities (Uitermark and Duyvendak 2008) or rather broad and amorphous areas with no real sense of neighbourhood at all. They may be elected bodies, with community representative elected by the neighbourhood concerned; or, they may take the form of an open forum, where any citizen can attend to take part in debate. Such bodies also vary in whether they are allocated decision-making powers by the parent council, or even budgets over which they will have some control.

Neighbourhood groups, of course, can extend beyond the notion of geographical communities into communities of interest and be formed to challenge the views of specific groups into the policy-making processes of the council, or to provide a consultative forum (Smith et al. 2007). So, neighbourhood groups maybe formed for specific ethnic, gender or sexual orientation communities that exist within a council boundary. Communities of interest as well as geographical communities can be the beneficiaries or participants of such neighbourhood sub-municipal units.

The neighbourhood type of sub-municipal units may also include neighbourhood committees of the parent council. That is a formal decentralised structure across the council where decision-making committees are formed to cover various areas. Often these committees cover a grouping of council wards (the electoral area into which English councils are sub-divided for the purpose of electing councillors), which themselves do not necessarily follow identifiable communities, rather the boundaries of wards are drawn so as to collect together the right number of voters to warrant the allocation of a councillor under rules laid down by the Local Government Boundary Commission for England. Such neighbourhood committees normally consist of the councillors for the wards concerned, sometimes with or without elected community representatives. These committees will also vary in the powers and functions they have, again dependent on the parent council. At one extreme, they may have significant budgetary powers, be able to make delegated decisions and act without referring back to the parent council in specified fields of activity; or, at the other end of the spectrum, they may only be able to advise or recommend

action or policy to the parent council or be consulted on its own potential policy and decisions as they might affect the areas concerned.

Government-inspired Schemes

The territorial landscape of English local government is prone to interference by central government at both the macro and micro levels—that is the very existence of council themselves (macro level) and also at the sub-municipal level (micro level). Government policy or programmes to assist neighbourhood development either require or stimulate the formation of new sub-municipal bodies. Such bodies may not be part of the council's structure, but sit alongside that structure, or a sub-municipal body may be formed as part of any council's responsibilities under any government policy or programme as an implementation tool. So, neighbourhood bodies may be formed to allow communities to influence bodies such as the Local Strategic Partnerships (LSP) and Local Area Agreements (LAA) which were a policy initiative of the Labour Government 1997–2010 (Bailey 2003; Jones and Stewart 2009) (the LAA were abolished in 2011) or to allow councils to channel the view of communities into supra-local or regional bodies formed by the government.

Local Strategic Partnerships were introduced as a statutory way of bringing together councils with the voluntary and community sector and the local businesses. The legislative initiative which introduced LSPs built on the experiments conducted across local government in the 1980s and 1990s where councils forged partnerships with a range of service providers to shape service delivery and engage the public and service users. Thus, while local government has to respond to central policy initiatives regarding the formation of sub-municipal units, or forms of strategic partners, the initiatives of councils themselves may also stimulate legislative change.

As government policy transforms the landscape of sub-national bodies, councils may respond by creating new sub-municipal units either focussed on a broad policy area or allowing the general views of the communities to be collected and channelled into a body beyond the council.

Service Oversight

Such bodies are normally referred to as 'user groups' and are sub-municipal units created to have a consultative or deliberative function focused on a single services, or a small set of linked public services that

reflect the needs of a specific group of citizens; thus, user groups can be single- and multi-service focused. So, social housing tenants either may have membership of a committee that negotiates directly with the social landlord or may be members of a body, within a council area, that oversees or deliberates housing needs and policy (Walker 2000; Simmons and Birchall 2007). Care services, the health service, transport facilities and education services will have any number of user groups associated with that service, formed to ascertain the views of those who are the direct consumers of any public service or public utility. Such bodies may be advisory or consultative only, or have varying levels of decision-making ability delegated to them by the parent body (a council or other public service provider).

Broadly speaking, such user bodies play the role of providing for input to policy and decisions about local public services, so while they represent community input and a form of sub-municipal unit, they have a functional rather than geographical focus (Walker 2006). As with neighbourhood bodies described above, user groups can also have an identity basis rather than a functional basis. So, user groups can also represent the interests of specific types of user form within the entire user community.

Overview

The sub-municipal units that are spread across English local government have produced a fragmented set of arrangements that fall broadly into the categories described above. To clarify and simplify the diversity that can occur within those categories, the table below takes each of the types of SMU and provides a brief description and or example of them and also highlights how and by whom they were created (Table 4.1).

Table shows the complexity and variation of approaches that can exist across English local government to the formation of sub-municipal units. It also highlights where such units may diverge somewhat from the definition applied throughout this book. Such bodies vary not only in their structure but also in their purpose as they can be a decision-making body, a consultation group or a combination of both. Moreover, these units created below the level of the council can have a single- or multi-service focus and that focus is the decision of the parent council or government legislation. It is the parish council which stands out from the rest of the types of sub-municipal unit as it is an independently elected statutory body with a set of statutory powers and responsibilities. Parish councils are explored in detail in section five.

A very brief description has now been provided of the broad categories of sub-municipal units within English local government as a contextual background to an exploration of the purpose and contribution of such bodies to local governance. The categories are deliberately broad to provide a general picture and there are many variations on the themes set out

Table 4.1 Approaches to SMU

<i>Types of SMU</i>	<i>Description and or example</i>	<i>Genesis</i>
Neighbourhood bodies	Community forum (unelected and attended by members of the community, but some community members may be elected by community groups). Elected councillors may attend. Most likely to have a discursive and deliberative function, rather than decision-making Neighbourhood committee (usually consists of local councillors for a specified part of the council area, but may have elected community members attending). May even have budgets and spending powers delegated from the parent council, at the parent council's discretion	Created by the parent local authority to cover a specified geographical location within the council boundaries
Government-inspired schemes	Created as a result of legislative change, placing a new duty or permissive power on local government: Local Strategic Partnerships and Local Area Agreements	Formed within and across local authority areas as a result of legislative requirements and duties. Will take the format, structure and purpose required by the legislation
Service oversight bodies	User groups: <ul style="list-style-type: none"> • Focused on a single or a range of services as appropriate to the needs of particular citizens • Participants of such groups will be service users, meeting with council officials or officials from other public service agencies 	Created by the parent local authority, with either a geographical or user group focus

(continued)

Table 4.1 (continued)

<i>Types of SMU</i>	<i>Description and or example</i>	<i>Genesis</i>
Parish and town councils	Separately elected levels of local government with councillors and with appointed paid officials Covering a geographical community; holding a range of statutory duties and responsibilities Parish and town councils will exist within a distinct geographical part of a district or county council	Elected parish councils first established by the Local Government Act 1894. The Local Government and Public Involvement in Health Act 2007 devolved the power to decide on the formation of a new parish council to principal councils through a process known as ‘community governance reviews’ From January 2015 the process for forming parish councils was eased and currently citizens can petition the principal authority to conduct a community review with a view to forming a parish council if the principal authority agrees

above when it comes to the creation, role, purpose and function of sub-municipal bodies. What should be noted is absence from the landscape of sub-municipal bodies, formed by councils, to provide specific services. That is not to say that such bodies do not exist, as they do and are equally many and varied, as with sub-municipal units already described. Yet, such bodies operate as Arms-length companies, agency agreements with other providers or privatised or semi-privatised endeavours (see Palmer 1994; Aulich et al. 2011; Wilson and Game 2011). They are not sub-municipal units for the purposes of this book; rather they are separate organisations set up to deliver council-wide services.

With a brief contextual overview of the overall nature of sub-municipal units in English local government provided, it is time to move on to a more detailed analysis of the purpose and contribution those units make to local government and local governance. It is such an exploration of the motives of the parent councils for creating such bodies that we can identify the political objectives for sub-municipal government and the part they play in the local political dynamic.

RECOGNISING COMMUNITY OR ADMINISTRATIVE
CONVENIENCE: TERRITORIAL UPHEAVAL
AT SUB-MUNICIPAL LEVEL

In their exploration of neighbourhood governance, Lowndes and Sullivan (2008) found that four main reasons could be identified that stimulated the creation of sub-municipal neighbourhood units by parent councils: the empowerment of citizens and communities (the civic rationale); partnerships to forge an overall vision of the needs of an area (social rationale); developing new forms of representation and participation within the context of local government (political rationale); and the management and improvement of more effective local service delivery and public service transformation (economic rationale). Each of these particular rationales, however, must be backed by the political will of the parent council to pursue the construction a sub-municipal unit as a solution to local civic, social, political and economic issues. In addition, the parent council must also make a decision about the exact neighbourhood—that is the sub-municipal geographical boundary—for which it will form a unit.

The choice of geographical patch for a neighbourhood sub-municipal unit has the potential to be highly contentious political issue in itself and that possible controversy varies with the type of unit being considered by the parent council. With the neighbourhood forum (a forum for members of the community which may be open to all, or have elected community representatives), the geographical area concerned needs to have some form of affinity with its geographical area (Barnes et al. 2003). That is the community needs to identify with the area chosen to be covered as a logical and acceptable space and one where there is a sense of identity and cohesion. Local loyalties and local rivalries come at a premium when shaping the area of the sub-municipal unit. Moreover, too large an area means the sub-municipal unit will lose cohesion and a sense of shared purpose, it will also replicate cross-neighbourhood arguments over resource allocation, for example; too small an area may not allow the forum sufficient weight to influence decisions of the parent council (Galster 2001; Kooiman 2005; Somerville 2011).

When forming the boundaries of a sub-municipal forum within a neighbourhood, the parent council may also seek to secure some political benefit or enhance the support or standing of the majority party within the area concerned. In other words, it could seek to bring together a community, grant it powers and decision-making responsibility, safe in the

knowledge that the area supports its own political views or contains many of its existing supporters (Copus 2016). Such deliberate political manipulation is not, however, always present as is witnessed by the radical decentralisation carried out by the London Borough of Tower Hamlets in the late 1980s and early 1990s, meaning the then controlling Liberal Democrats were in the minority on some of the area committees it formed across the Borough (Burns et al. 1994; Blackman 1995). All the more challenging for the Liberal democrats at the time was that their overall majority on the council ranged between only four and ten seats between 1996 and 1994. The more regular pattern when forming sub-municipal units where communities and councils come together is to avoid placing the majority party in a position where it can be outvoted. That problem, however, only emerges if sub-municipal units have delegated decision-making ability—which is far from always the case.

A more regular pattern is for community forums as a sub-municipal unit, to be a sounding board or a deliberative instrument where councils can test out policy ideas, or gauge the likely responses of communities to future policy. In addition, neighbourhood forums, however constituted and whatever area they cover, are just that, a setting in which a debate can take place, the outcomes of that debate being acted upon, or otherwise, as a result of decisions taken by the parent council. Yet, too much cynicism in assessing the role of the forum approach to sub-municipal units would risk undermining the potential value they have in stimulating community engagement, bringing communities together and in sending signals for policy development to the parent councils. That is particularly the case when considering Lowndes and Sullivan (2008) identified stimulus for the creation of neighbourhood forum. If there is a series of local civic, social, political and economic problems requiring a response from the council, then bringing communities together to debate such issues offers considerable potential for tapping into community expertise—another reason why such units are formed. Equally, as thinkers such as Tocqueville and Mill argued, engagement in local political deliberation and debate helped develop citizens able to take part in upper level government as well as providing opportunities to learn from and about the opinions and experiences of others.

The second form of sub-municipal unit created by parent councils—the area committee—is a refinement of a council's internal political decision-making arrangements and of its own committee system. The Tower Hamlets experiment mentioned above was with area committees of the

council. The interesting point about that particular experiment was that the seven neighbourhood areas, into which the entire London Borough of Tower Hamlets was divided, were based on old townships and identifiable geographical places within the borough. Although the name ‘Tower Hamlets’ sounds like one of the made up English council names beloved of this author, it is a term that has been employed since 1605 to denote an area of London, although not being a ‘place’ in the strictest sense, rather referred to an area within which the Lord Lieutenant of the Tower of London could raise a militia (Travers 2015: 125).

In fact, the decentralisation was so radical in the construction of these area committees at the time that all council central decision-making was delegated to them and the five to seven councillors on each committee had control of budgets of up to £30 m and the development of services such as housing, education and social services (Morphet 1987; Blackman 1995). When the Labour regained control of the council after eight years of Liberal control, it immediately reversed the decentralisation policies and recentralised decision-making.

The Tower Hamlets experiment of the late 1980s and early 1990s is an outlier however, and few other experiments with area committees go, or went, as far as this particular London borough. The more general approach has been to form area committees of the council—as sub-municipal units—and to divide the council area into compass points, much like those names given to many of the parent councils themselves (Copus et al. 2011). Indeed, in many cases the creation of area committees has deliberately eschewed representing identifiable geographical communities; rather, councils have selected what they would like to be areas to be covered by area committees—after all such committees, comprising of the local councillors, are committees of the council. Moreover, many English councils, created as a result of the 1974 reorganisation, are fearful of reminding people of the smaller, urban and rural district councils which were swept away. So, rather than name an area committee after an identifiable geographical patch, we find many simply using compass points—north east area committee, for example. So, at least in the terms of geographical identity, an opportunity is missed in the formation of sub-municipal area committees to reflect that identity within the sub-municipal structure. It is almost as though such bodies are reflecting the usual territorial upheaval that plagues English local government by avoiding any relationship to actual places and by being created as an administrative convenience for the parent council.

Yet, it is also the case that there is a scattered pattern in the creation of area forums, for citizens, and area committees, for councillors, as sub-municipal units. That pattern ranges on a continuum between the radical geographically focused approach taken by the Liberals in Tower Hamlets in the late 1980s and early 1990s at the one end and the anonymous compass point areas described in the last paragraph at the other end. There are examples where area forum and area committees are reflective of geographical communities and those communities of place are recognised in the name of the area concerned.

The point being that the area of coverage, the name of the sub-municipal body and whether it is open to citizens or just councillors is a decision of the parent council. So too are the powers and responsibilities of such sub-municipal units (Morlan 1982). Indeed, it is the parent council that decides whether such units will be created or not and, when a change of political control of any council occurs as a result of the local election, such units as exist risk abolition, restructuring, reforming or a reassignment of tasks and functions by the parent council. The parent council is legally able to reshape such structures that it itself created. Indeed, sub-municipal units of the nature discussed here have a relationship with the parent council similar to that which English local government has with central government—being a creature of a higher political governing authority which has ultimate say over its existence and which can reshape or abolish it to suit its own policies. With that in mind, it is time to briefly review the contribution that sub-municipal units can make to local government legitimacy and responsiveness.

SUB-MUNICIPAL DEVOLUTION: CONTRIBUTION TO LOCAL GOVERNMENT LEGITIMACY AND RESPONSIVENESS

Within the specific context of English local government, one of the major contributions that sub-municipal units make to the quality of local governance is to mitigate, to varying degrees, the negative impacts of the large size of councils compared to the rest of Europe. Indeed, the size debate continues to rage in England, with the Secretary of State for Communities and local government indicating, in 2016, that he is minded to support the creation of single-tier unitary councils in the population range of 400,000–800,000. What will inevitably be the outcome of this pronouncement is that those developing proposals for the creation of new

unitary councils (and the abolition of district councils) will include within those proposals the creation of sub-municipal units—area forum and committees—thus admitting that they will be creating new councils that, for democratic purposes, will be too large. The inclusion of the creation of sub-municipal units in unitary proposals was evident in the 2007–2009 round of council amalgamations in England (see Chisholm and Leach 2008).

As the trend for amalgamations is one which is occurring across Europe (Denters et al. 2014), the proliferation of sub-municipal units to counteract the loss of community identity and affinity is also likely to continue. Yet, the creation of sub-municipal units may also provide an alternative to the territorial upheaval inherent in the reorganisation of local government and the creation of larger units of local government (Kersting et al. 2009). If local government continues to become less and less local as amalgamations develop over time, then recognising community identity and creating sub-municipal units to do just that will also gather pace.

In addition to keeping municipalities rooted in localities, sub-municipal units also play a valuable role in strengthening the council's decision-taking and policy-making; such units are a complement rather than a competitor to traditional local representative democracy. Councillors also recognise that their own activities in policy development can be assisted and strengthened by engagement with the public through properly structured sub-municipal units (Egner et al. 2013; Copus 2016). Sub-municipal units provide opportunities for expertise and interested citizens, within communities, to deliberate with councillors and to lend them their expertise before final decisions are made. What is provided by such settings more than anything in the English context is an opening out of local democracy and participation and the provision of officially sanctioned political space within which a wider group of citizens can engage than just those elected to the council (Michael et al. 2004; Piotrowski and Van Ryzin 2007).

Sub-municipal units provide channels by which increasingly assertive citizens can send signals to local political decision-makers and therefore sharpen the responsiveness of local leaders to citizen opinion. Without such sub-municipal units existing, whether they are purely deliberative bodies or they are delegated some budgets and decision-making powers, the councillors and local leaders would not only miss out on opportunities to engage with their voters but would also store up potential political problems for the future. Such interactions as taking place between local

leaders and councillors and citizens, within sub-municipal units, enable decision-makers to gauge likely future political problems—in the shape of community opposition—before they take decisions. Thus, they can abandon plans that would cause local outrage, or amend those plans to ameliorate the worse political consequences and to enhance their acceptability to the community.

In addition to deliberative opportunities, sub-municipal units also provide opportunities for councillors and local leaders to give account of their actions and to be held to account by local citizens (Damgaard and Lewis 2014). Although accountability and responsiveness are interlinked features of political interaction (Papadopoulos 2014), there has to be some structured and formal exchange between those being held to account and those seeking accountability—sub-municipal units fill that gap and they do so in a way formal meetings of a municipality cannot. A formal council meeting may have space for public questions—a fairly standard practice for English councils—and even for supplementary questions not submitted in advance. It is rare, however, that such exchanges result in a debate in full council (or committee) meetings. Rather, such exchanges are a piece of the theatre of local politics. Sub-municipal units, however, provide for a forum where the exchanges can be much more deliberative and therefore investigative and exploratory. Thus, accountability and responsiveness of the parent council to citizens can be enhanced by the operation of sub-municipal units—either across the policy spectrum or when focussed on specific policy issues or local problems.

In addition to a policy focus, as we saw in the last section, sub-municipal units can also provide space—through the user groups described earlier—for the consumers of public services to take part in the development of those services to meet specific local requirements (Boaden et al. 1982). User groups, as sub-municipal units, fulfil a rather different political requirement to the area forums and area committees discussed so far. The focus of a user group is not the broad sweep of policy or politics, or overall council decisions; rather it is on the requirements or responses of a specific group of public service consumers to the effectiveness, quality and utility of any given service. The user groups may be very specific, such as the elderly, the disabled or those receiving social care, or somewhat more general, such as transport users or recyclers. Either way, where a sub-municipal unit is formed to engage with the experiences of such users, the purpose is to improve the quality of the service and therefore the quality of life of those receiving the service. It is also there to confront managerial and

political decision-makers with the consequences of their decisions and actions (or in-action) for the services they provide or oversee and for the users of those services. User groups provide unique insight into the effects of decisions about services that only those reliant on or consuming such services can have and enable them to set out their experiences before decision-makers. The latter, of course, are rarely bound to respond in the way demanded.

Thus, we see that sub-municipal units can make a contribution to the quality of local democracy, to ameliorating the worse effects of large municipalities, of providing discursive and exploratory settings where citizens can interact with councillors and giving citizens the opportunity, if power is delegated, to make decisions about policy or service development. Yet, in the English context, it is the parent councils that can call sub-municipal units into existence and define their shape, boundaries and purpose, much as central government does to local government. Moreover, parent councils define the powers, budgets (if any) and decision-making ability of sub-municipal units and the relationship they will have with each other and the council. Yet, it is fair to say that the formation and use of sub-municipal units by every type of English council (boroughs, counties and districts) is a widespread phenomenon: first, because they are seen as good practice; second, because they do not pose a threat to the parent council; and third, because of a political philosophy that values public engagement. Whatever the reason for their creation, sub-municipal units offer opportunities to enhance the quality and effectiveness of public services and local democracy.

PARISH GOVERNMENT

Parish and town councils have long been part of the fabric of English local government and, as the name suggests, developed from an ecclesiastical origin (see Pounds 2000) into a statutory elected and representative governing body as a result of the Local Government Act 1894. Parish is also an old English word, meaning a local territory or catchment area. As with the development of English local government, parish councils did not and still do not cover the entire geography of England, unlike their principal authority counterparts. Indeed, some 9000 parish councils with approximately 80,000 parish councillors between them cover only 25% of the population of England. Most of that area of coverage is outside of the urban areas, although it would be wrong to assume that parishes were only

rural phenomena as they also exist within some urban and semi-urban district and county council areas. Moreover, the extent of parish coverage varies within councils across England. The Borough of Milton Keynes, for example, of which the urban area accounts for approximately 33% of the Borough by area and 90% by population, is wholly parished by a decision of the borough council taken in 1999.

It is only very recently, however, that parish councils have begun to be formed in London as a result of the Local Government and Public Involvement in Health Act 2007. Indeed, in May 2014, in Queens Park in Paddington, within the area Westminster City Council in London, voters elected their very first parish council. It is the Local Government and Public Involvement in Health Act 2007 which provides the framework for the creation and dissolution of parish councils and that Act made district councils, unitary county councils and London borough councils (principal authorities) responsible for what are called ‘community governance reviews’ which determine the existence of parish councils. In 2015 the government eased the regulations for citizens to petition for a community governance review to be conducted by the principal authority, and the percentage of signatures required to trigger such a review vary depending on the population of the area concerned, as follows:

- Fewer than 500 local government electors, the petition must be signed by at least 37.5% (previously 50%) of the electors.
 - Between 500 and 2500 local government electors, the petition must be signed by at least 187 (previously 250) electors.
 - More than 2500 local government electors, the petition must be signed by at least 7.5% (previously 10%) of the electors.
- (Sandford 2015).

The final decision as to whether or not to form a parish council, however, rest with the principal authority that conducts the governance review and here Sandford (2015: 11) is worth quoting at length:

In conducting the review, the council must consult local electors and any other persons or bodies which are considered by the council to have an interest in the review. The guidance emphasises that councils should take various factors into account, including the impact of community governance arrangements on community cohesion, and the size, population and boundaries of a local community or parish.

The review may recommend that the parish remains as it is; that the area of the parish be altered or merged with another parish; or that the parish council should be abolished. There is no guarantee that submission of a valid petition will result in a new parish. The guidance states that ‘clear and sustained’ support for any abolition (i.e. over two terms of elected office) would need to be demonstrated.

(Sandford 2015: 11, see also DCLG and LGBCE 2010)

Thus, these statutory bodies, which are directly elected by registered voters and which have local tax rising and spending powers and which have a range of statutory duties, powers and responsibilities, only exist at the pleasure of the council within which they are located. They are sub-municipal units in that regard, but they are also statutory bodies and the statutory process for forming and dissolving such bodies may well change in the future and remove the principal council’s role in deciding on the existence of parish councils. That, however, is a currently unknown quantity.

Although parish councils are elected bodies, they do experience a number of uncontested seats—far more so than occur for principal authorities, where uncontested elections are very rare. To solve the problem, parish have the power to co-opt members of the public onto the council and this may often occur where a vacancy arises and no nominations are received for an election. Uncontested elections and co-opted membership have been used to criticise parish councils and to challenge their legitimacy as decision-making and representative bodies. Yet, the fundamental basis of parish government is an elected body and the existence of some co-opted members cannot be said to fatally undermine the council’s legitimacy. Indeed, in a recent research project conducted by the author showed that parish councils were using co-option to increase the number of women, ethnic minorities and other underrepresented groups on parish councils—a mechanism not available to principal councils.

Parish councils have a range of functions and duties rest on statutory authority. Parish activities spread over a wide range of service areas from the provision of allotments through the cleaning and drainage of ponds, watercourses and ditches, to maintenance of rights of way, to the provision and maintenance of public toilets, to the development of a neighbourhood plan under the Localism Act 2011. If the latter is accepted as a result of a parish-wide referendum, it becomes part of the planning framework of the area, which the principal authority must take into account when developing its own statutory Local Plan.

Some of the functions parish undertake are delegated to them by the principal authority, such as the provision of bus shelters, signposting and lighting of footpaths off-street car parks. In the research project undertaken by the author referred to above, it was found that district and county councils are now attempting to devolve more functions to parish councils to ease their own financial pressures. Parish councillors reported that the parish had been blackmailed by a principal council which threatened to cancel some local service altogether if the parish council did not agree to take on responsibility. It is, however, not known how widespread such political blackmail has been.

Parish councils are variously referred to as ‘the third tier of local government’ by principal authorities and ‘the first tier’ of local government by parishes themselves. Whichever end of that particular telescope one might look down, parish councils provide a democratically elected, politically representative body with a set of statutory duties and responsibilities and with a loud voice within the local planning processes. Research among parish councillors conducted by the author leads to the conclusion that parish councillors, parish councils and the National Association of Local Councils (NALC), the parish councils national lobby and research group would not consider themselves to be a sub-municipal unit; they would consider themselves to be a municipal unit.

CONCLUSION

There are a number of reasons why councils create sub-municipal units: political belief and value systems, to enhance the effectiveness of public services, to improve policy, to capture the expertise of their citizens, to build community capacity and trust, to empower citizens and communities, to enhance local representative democracy and to ameliorate the ill effects of the large size of English units of local government—although the latter is a barely recognised and articulated motivation. A vital part of understanding the nature of sub-municipal units in the English context at least is to remember that they are, more often than not, creations of the parent council. That does not mean that they are child-like in behaviour or in their relationship with the council. Rather, it means their existence is owed to that council and so too are their roles, responsibilities and powers. They are not, however, client states—unless they choose to act in such a way, but that ownership context is a key part of understanding the relationship sub-municipal units have with their parent council.

When it comes to the business of delivering local public services, sub-municipal units are rarely seen as a delivery mechanism. That task goes to arms length companies and other structures councils create for the delivery of services by bodies ancillary to the council. Such service delivery bodies, in the English context, cannot be realistically seen as sub-municipal units as they mainly operate across an entire council area. That is not to say that sub-municipal units do not have a service focus, and as we have seen, service user groups will certainly have an interest in service quality and delivery, they will just not be the delivery agents.

Politics, policy, deliberation and accountability are the contribution that sub-municipal units make to English local government. In addition, they provide opportunities for citizens to interact with decision-makers and to take decisions themselves if such ability has been delegated to them and offer a deliberative and decision-making space which can be used to enhance the quality of local democracy and local politics. Moreover, sub-municipal units provide participatory opportunities to communities growing in assertiveness and no longer willing to allow councillors and local political leaders to be the final arbiters of local issues and problems.

While parish government is a long-standing feature of the landscape of English local government and while parish councils are elected statutory bodies in their own right with their own range of services and responsibilities, the entire country is not parished. Parish councils sit, sometime uncomfortably, within a district and county council and more recently in urban areas having also reached a part of London. Thus, they do form a sub-unit within a municipal area and their existence is, currently, in the hands of principal authorities. Principal authorities often have a mixed reaction to the existence of formation of parish councils, not all of which are positive. Unlike many of the alternative variants of sub-municipal units that exist in England, parishes are elected and statutory bodies and can and do challenge the principal authority on policy and service issues. That electoral mandate of the parish council, its statutory base and range of responsibilities, and its willingness and/or ability to challenge the principal council make a powerful contribution to the governance of a specific part and the overall area of a principal authority.

While the creation of sub-municipal units is at the behest of councils and therefore subject to the political views and requirements of those councils, it is fair to say that as English local government embraced the decentralisation and participation movement in the 1960s, we are not

likely to see a move away from such endeavours. Rather, the creation, operations, role and purpose of sub-municipal units will continue as it now is something that councils can employ, if they are so minded, or can choose not to use. Community forum, where citizens come together to deliberate and sometimes decide, and area committees, where local councillors from the area concerned come together, are a fundamental piece of the local political landscape. While their existence may not be comprehensive across local government, the increasing pressure local government is experiencing from the centre for enhanced public engagement and growing public assertiveness means that the use of such units is unlikely to recede and if anything their adoption and use by councils will increase over time.

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Sub-municipal Units in Germany: Municipal and Metropolitan Districts

Norbert Kersting and Sabine Kuhlmann

INTRODUCTION

German local government can be seen as multifunctional territoriality-based units. Due to New Public Management (NPM) policy reforms in the 1990s under the impact of a late wave of privatization, (EU-promoted) deregulation, and that pushed by the federal and regional Länder governments, the local authorities lost some traditional key responsibilities, particularly in infrastructure, social assistance, and labor market policies. However, the “end” of traditional local self-government in Germany, as feared by some observers (see Wollmann 2002a), has not become a reality. On the contrary, after the limited success of NPM reforms (see Bouckaert and Kuhlmann 2016; Kuhlmann et al. 2008; Kuhlmann 2010), the failure of some privatization, outsourcing, and Public Private Partnerships (PPP) projects, there seems to be “re-habilitation” of the local public sector (Schwab et al. 2017), not at least visible in projects of re-municipalization (e.g. in the energy sector) aiming at insourcing

N. Kersting (✉)

Department of Political Science, University of Muenster, Muenster, Germany

S. Kuhlmann

University of Potsdam, Potsdam, Germany

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a number of previously outsourced local functions (Wollmann 2016). However, the increasing functional weight and responsibilities of the local governments often do not match their resources, territorial structures, political discretion, and institutional capacities. Against this background, there are attempts at re-balancing functional profiles, organizational settings, and political accountability at the local level of government. The establishment and reform of SMUs can be seen in this context.

Before referring to SMUs in more detail, some general features of the German administrative and local government system must be highlighted (see also Kuhlmann and Wollmann 2014: 70 et seq.; Kersting et al. 2009; Bogumil and Holtkamp 2013). German cities implement most of the EU, Federal, and Länder legislations on their own or on behalf of Länder. This broad multi-purpose task profile of German local governments also affects the SMUs in their various forms to be outlined further below. In the German federal system, Länder are solely responsible for local government legislation, including local government's territorial boundaries. Länder provide their own constitution and local government acts. Nevertheless, according to Article 28 (2) of the Basic Law (Grundgesetz), "municipalities must be guaranteed the right to regulate all local affairs on their own responsibility, within the limits prescribed by the laws". There are some different regulations regarding the German city-states of Berlin, Hamburg, and Bremen. Since the 1990s, in all German Länder, except the city-states, directly elected executive mayors were introduced, following the examples of Bavaria and Baden-Württemberg (see Kersting 2016; Vetter et al. 2016). This mayor acts as the head of the local administration and assumes own functions as well as competencies delegated to him/her by the Länder (*übertragener Wirkungskreis*). A special institutional arrangement applies to the local governments in the State of Hesse, where a collegial body, called magistrate, is the local executive and the (directly elected) mayor acts as "*primus inter pares*" within this magistrate.

In this chapter, we focus on two types of SMUs in Germany: (1) municipal districts (*Ortsbezirke*) within bigger (amalgamated) unitary municipalities of the German states (*Flächenländer*), picking the example of Hesse (section 2); (2) metropolitan districts of bigger cities, taking the example of Berlin (section 3). Due to the Länder's responsibility for local government, territorial re-scaling, and local democracy, there still is a broad variance regarding the size, functions, and political culture of SMUs within the Länder. However, in many big cities, SMUs have quite a long institutional history as it will be shown for Berlin further below. Whereas in most cases SMUs were introduced voluntarily by the city council, there

are also examples of compulsory regulations, as for instance in the biggest Land North Rhine-Westphalia (NRW) and Hesse, which passed legal stipulations in order to establish SMUs in an obligatory manner. In Bavaria, too, SMUs had to be introduced in cities over 100,000 inhabitants. For our purposes, we take the example of Hesse because it represents (along with NRW) a typical case for a comprehensive institutional structure of SMUs. In the second part, the focus is on the metropolitan areas and districts (see also Prigge et al. 2001). The Berlin districts, by contrast, will be picked as a prime example of SMUs acting as powerful local political and administrative players within two-tier metropolitan governments. Of course, compared to other German bigger cities, the “Berlin case” shows a number of peculiarities, for example, a constitutional status as a city-state and a history of a divided city. However, given that it is one of the oldest SMU examples in Germany and that the debate on the position of the districts vis-à-vis the central-city administration has played a key role in any reform debate so far, the analysis of the “Berlin case” promises valuable insights not only into the historic development but also into some basic institutional features of metropolitan multi-level systems.

MUNICIPAL DISTRICTS (ORTSBEZIRKE)

In Germany, the development of SMUs and its councils is strongly related to the territorial reforms differing in Länder (Wollmann 2016). At the local level, territorial reforms came in two waves: the first, in the late 1960s and early 1970s in the Länder of the “old” (West German) Federal Republic, and with the unification in the early 1990s in the “new” (East German) Länder (see Kersting and Vetter 2003 Wollmann 2002b for details). Both reform waves focused on counties as well as municipalities. A cumbersome process can be witnessed in the first wave with a strong resistance in the population. Amalgamated villages, as well as towns triggered the development of SMUs.

In order to avoid amalgamations, the Länder followed two distinct territorial reform strategies (Kersting 2004). A number of them, where municipalities often have a comparatively small-scale size format (see Bavaria), chose a strategy in which existing small-scale local units were preserved.

Here the counties play a pivotal role. In others (Rhineland Palatinate), in order to increase the administrative efficiency of the local government level, a new layer of intercommunal bodies (Verwaltungsgemeinschaften,

Gesamtgemeinden) were introduced. These offer administrative support to their member municipalities—the boards and directors of these bodies being elected by the councils of the member municipalities. As an act of administrative de-concentration in 2005, the government of the Baden-Württemberg undertook the spectacular step to abolish most of the sectoral (single-purpose) sub-regional and local field offices of Land administration and to transfer their functions, by way of “delegation”, to counties and (single-tier “county-free”) cities (kreisfreie Städte) (see Bogumil and Ebinger 2005). Hereby—similar to Bavaria—the small municipalities could be maintained.

By contrast, in some Länder (for instance in Nordrhein-Westfalen and Hesse), a strategy of amalgamation was reinforced in order to create municipalities of a territorial size and large enough to avoid the need to introduce an additional layer and set of administratively supportive inter-communal bodies. Nordrhein-Westfalen went furthest along this road in arriving at municipalities with an average size of 45,000 inhabitants.

With the new millennium, in the East German Land of Brandenburg a territorial reform was adopted in 2003, where some inter-municipal bodies (Ämter) were replaced by bigger “unified municipalities” (Einheitsgemeinden) without entirely dissolving the inter-municipal level of the Ämter, particularly in the more rural area (the transformation of the Ämter is, however, a current debate in Brandenburg where the example of Rhineland Palatinate seems to be most attractive as a possible reform option).

As a result of both reform waves (in West and East German Länder), the total number of approximately 24,000 municipalities in West Germany (prior to the respective reforms) averaging 2600 inhabitants was reduced as of 2010 to roughly 8500, averaging about 13,000 inhabitants; in East Germany, there was a reduction from 7500 municipalities (1990) to roughly 3000 (2010) with an average population of about 3500 (Kuhlmann and Wollmann 2014: 165). However, there are huge differences between Länder regarding the average population of municipalities (such as 45,000 in Nordrhein-Westfalen and 2600 in Rheinland Palatinate). Twenty-three percent of the existing municipalities are self-standing unified municipalities (Einheitsgemeinden z.B. kreisfreie Städte) which are not related to a supportive intercommunal unit, and many of which are sub-divided into several SMUs (Ortsbezirke), thus constituting a two-tier municipal structure. By contrast, 81 percent of the municipalities in East Germany and 50 percent in West Germany belong to an inter-municipal

formation (Amt, Verwaltungsgemeinschaft, and so on), which implies that SMUs are basically dispensable in these cases.

The number of counties, too, was reduced from 614 to 324, thus almost halving them, with an average size of 175,000 (single-tier “county-free”) cities (kreisfreie Städte). This can be regarded as a process of centralization, which can trigger an additional strategy to strengthen SMUs. The Mecklenburg-Vorpommern government massively redrew and expanded the territorial size and coverage of the counties (see; Kersting et al. 2009; Kuhlmann and Wollmann 2014: 128 et seq.). Most recently, there were new attempts at territorial up-scaling, specifically regarding the county level in East Germany (Brandenburg, Thüringia).

In the following, the focus will be on the case of Hesse. Regarding its strategy of amalgamation, it is similar to the NRW case, although Hesse did not create large municipalities to that extent. In the creation of SMUs called Ortsbezirke in NRW, compared to Hesse, NRW paid less attention to identity and historically existing suburbs and villages. So new artificial districts were built such as “North, West, East, South, Center”, and existing villages were incorporated. It has to be kept in mind that Hesse’s political culture was strongly focusing on political parties only in the bigger municipalities. This plays an important role in the daily work of their SMU in Hesse, called Ortsbeiräte.

History and Reform Drivers

As we have seen since the 1960s and especially from early 1970s, some Länder such as NRW and Hesse implemented a strong territorial reform. In Hesse, the number of cities went down from 2693 to 427 municipalities. Some “artificial” cities with new names were created, although later on some of them were removed because of strong protest (the new city Lahn was an amalgamation of Gießen [approximately 80,000 population] and Wetzlar [50,000]). In the bigger cities, independent smaller towns and villages were incorporated.

In this context, forms of compensation ended up in the building of townhouses, swimming pools and so on, in the old villages and towns respectively, where the cost were externalized as part of the newly built bigger municipality (Kersting 2004). Politically, another form of compensation for the loss of autonomy and self-regulation was the introduction of the newly built-up advisory boards as sub-municipal councils (Ortsbeiräte).

These were regarded as a decentralized political participation in the decision-making process. Furthermore, it was argued that the SMUs do have special local knowledge and they can keep a closer contact with the citizen. Here they were seen as a medium of citizen feedback. Lastly, SMUs could facilitate the work of the city council, and SMUs should focus on minor issues of sub-local policy making, so that the city council could focus on the broader municipal policies.

According to the local government act in Hesse (Hessische Gemeindeordnung, HGO), §81 to §83, these SMUs are a kind of assisting committees for the city council. The SMU chair (Ortsvorsteher) fulfills administrative functions.

Municipalities were encouraged to build SMUs with directly elected councils. The cities were free to introduce SMUs. Therefore, this process was not obligatory: "In all communes SMU districts can be implemented by the city council" (HGO §81 (1)). In fact nearly all municipalities introduced SMUs. But the process differed from municipality to municipality. The definition of boundaries and regulation of the SMU were done by the city council and had to be defined in the local charter. At the end of each legislative period, these settings can be changed. Hence, current SMUs can be abolished and new SMUs can be formed.

Most of the SMUs were created just after the territorial reforms in the 1970s. So older neighborhoods and villages, as well as suburbs that were created later, mostly that were not incorporated in the 1970s did not get their own SMU council, but were included in other districts. Compared to NRW in Hesse, the implementation of the SMUs was strongly related to reasons of identity and efficiency. For example, this led to a situation that in some cities such as Frankfurt (800,000 inhabitants), which introduced SMUs in the whole territory, the districts ranged from 100,000 to 4000 inhabitants. The smaller SMUs mostly respect old village structures. In some cities, an asynchronous setting was established and city centers did not implement SMUs. So a city such as Marburg (80,000) had 14 districts including inner-city suburbs, but also old villages at the fringes. Historically, these villages were characterized by a strong catholic and protestant population and a distinct culture and identity. Marburg's city center was excluded for decades and was not represented through an SMU council. It was argued that this city center is over-represented in the city council as well as represented by informal local lobby groups such as businessmen associations. Furthermore, it was argued that this would lead to more bureaucracy and an additional

administrative burden. In 2015 a new district was formed, and an SMU in the center was installed. Despite this, the SMU structure in Hesse was quite stable and resistant to change. They got a higher recognition in the NPM reform in the 1990s, where other modern advisory boards for particular interest groups such as advisory boards for people with disabilities, migrants, youth, and so on were installed (see Kersting 2004, 2008, 2017). Reforms and innovation were rejected because of the negative experience of territorial reform and its political consequences in the 1970s.

*Local Democracy, Participation, Representation
(Politics- and Polity-Dimensions)*

SMU councils are directly elected bodies. According to the Hessian local government act, the number of the members of the SMU council is related to the size of the district. Districts with less than 8000 habitants can have between three and nine SMU council members. Districts with more than 8000 habitants can have a maximum of 19 SMU councilors.

The election of the SMU council takes place at the same time as the local elections in the Länder, and the legislative periods are harmonized (depending on the Land 5–6 years, in Hesse 5 years). The local government act allows a personal vote as well as a proportional vote in those SMU districts where competing party lists exist. It can be seen that in most of the smaller districts with old village structures, mostly one list of candidates predominates. In 2001, Hesse introduced a new electoral system for the city council based on cumulative and panache voting (see Kersting 2004, 2015). In this case voters have as many votes as the number of councilors to be selected (2016 in Frankfurt 93). The voter can give up to three votes per candidate (cumulative voting) and can do it for candidates from different party lists (panache voting). This was also introduced for the SMU council elections. In those districts where party lists exist, cumulative and panache voting allowed the voter to have as many votes as candidates that are elected. There could be a personal vote with up to three votes for one candidate and one vote for candidates from different lists. The reason to introduce cumulative and panache voting was to enhance voter turnout and to reduce party influence at the local level. Although party politics is generally less important in the SMU councils, most of the candidates in the SMU councils still belong to a political party (see Kersting 2008). To be elected candidates, they have to be well known, and most of them have a

long experience in local politics. Women, candidates from smaller parties, as well as young candidates are quite rare.

The elected councilors select a council chair from their peers. All council members are volunteers and get a small allowance for attending the meetings. The council chair fulfills additional administrative functions and gets an additional allowance. In the council, s/he is responsible for the agenda setting. The SMU council meetings are held in general public and have to be publicized in advance.

SMUs are often criticized for being a kind of “debating club” (“tobacco collegium”). It is also argued that younger candidates try to start a political career. Research showed that SMU councils in smaller suburbs are predominantly made up older male, who are highly socially recognized politicians (old elites) (Kersting 2004). Compared to NRW in Hesse, party politics does not play an important role in smaller districts. This is slightly different in the bigger cities such as Frankfurt (and in NRW).

Other critique focused on the predominance of “not in my backyard strategy” by most of these SMU councils confronting the city council with strong sub-local interests.

Functional Responsibilities, Discretion, Resources (Policy-Dimension)

SMUs are regarded as a mediator between citizens and the council, as well as the administration. In general they should be allowed to interfere in important aspects relevant for the district.

According to the Hessian Local government act:

The SMU council is responsible and shall be consulted for all the questions as well as complaints in regard to the municipal/local council area, and make proposals in all matters concerning the district, in particular the draft budget. It is responsible for all the incoming concerns submitted to him in the district. (HGO §82 (3))

These important aspects are defined mostly in the local charter. Here, two important functions are relevant, which can be divided into rights to be informed and comment (monitoring function), and right to make proposals (planning function). In the right to be informed and give statements, in general, the following policy areas are included: development of the

budget, change of the district borders, changes in the local charter, development and changes of the territorial planning law, investments in the district, street naming, citizen forums, and local festivals in the district. In general, the administration is responsible to inform the SMU. But the relevant organ (council or administration) must include statements in the decision-making process. Research showed that predominantly SMU council meetings have long and controversial debates on the renaming of street, the placement of cultural and social entities, definition of parks, and definition of pedestrian areas (Kersting 2004). Discussions focus on traffic issue in the district streets. Here, there are certain areas of binding decision-making rights. This is not under the discretion of the directly elected executive mayor fulfilling regional and national functions (übertragener Wirkungskreis).

In general, the right to own suggestions and proposals is not limited regarding the topics as long as it has a sub-local focus on the district. But SMUs predominately make suggestions on traffic issues and the use of public entities in the district. So their role is more a reactive one in monitoring than in proactive town planning. To avoid strong opposition, nevertheless, the council chair is mostly involved at an early stage of planning processes.

SMUs demand for more participatory rights include the right to speak in the city council. This gives them greater publicity. This is often denied by administration as well as the city councils. It is argued that this can be given by the council chair, and there exists the right to speak in council committees. Furthermore, some SMUs demand the right to table the bill in the council—where the council has to vote on—extending right to hand in the proposal.

Local referendums already existed in Bayern and Baden-Wuerttemberg. All other Länder have implemented these till the time of unification at the local level in the 1990s. Sub-municipal referendums were also introduced. In Hesse according to HGO §82 (6b) and (8b) and in NRW, there is a right to start a sub-municipal referendum at the district level. In contrast to the city referendums, SMU referendums were hardly used.

Some SMU councilors demand an extended sub-municipal budget which would allow planning projects in the districts. This budget is possible according to the legislation. But it plays a minor role, and most SMU suggestions refer to the overall city budget, where the city council has the final say. According to the Local government Act in Hesse, *“The municipality can delegate to the SMU council on some matters for decision*

making as long as its final decision does not interfere with unity of local administration. Here the SMU council are responsible for the provision of the funds to carry out the tasks” (HGO §82 Abs. 4). In fact, city councils could attribute more final binding decision-making rights to SMUs and attribute SMU budget, but this mostly does not happen to a large extent.

Finally, SMUs do have an administrative function as well. In the bigger districts’ administrative units, SMUs do have sub-municipal libraries, sport grounds, community centers, and so on. Although these are part of the city administration, in some cases the chair of the SMU council informally and formally fulfills administrative functions. These sub-municipal decentralized units are often confronted with severe fiscal problems.

General Assessment and Multi-level Governance

There is little empirical research on SMUs. This showed that the city councilors mostly did not know much about the work in the SMU (Kersting 2004). Thus, SMU councilors often complain about their little influence on the city council. Nevertheless, SMUs mostly rely on a strong often informal relationship with the city administration. Survey data and opinion polls from 2014 with 2700 citizens and more than 600 councilors showed that SMU councils are regarded as very effective instruments in the local politics (Gabriel and Kersting 2014). Of this, 70 percent of the citizens and 71 percent of the councilors regard SMUs as a very effective way of participation. Only 7 percent of the citizens and 10 percent of the councilors deny this totally (Kersting 2016). Nevertheless, some councilors are quite skeptical about parochial “(sub-) local heroes” interfering in their domain.

SMUs and municipality districts were formed after territorial reforms and amalgamation in the 1970s as a compensation and a kind of pain relief (“Schmerzengeld”) for the loss of autonomy. They got a broader recognition during the administrative and political innovation in the 1990s. Here it is argued that their importance will grow in cities, where resilience is becoming an important strategy and where social innovation, civic engagement, and communal self-help become more relevant. Neighborhoods may provide strong social networks focusing on local health care, child care, care of older people, and so on. In the bigger districts, SMUs play an important administrative function as well. Decentralized administrative units allow for representation in the suburbs. These sub-municipal decentralized units are confronted with fiscal problems like most of the units.

Due to one-stop office strategies and digitalization, there is a hollowing out of these units.

So SMUs may be important in the future of a welfare state. Furthermore, decentralized structures are important in sustainability policies. These range from decentralized energy production and consumption, to concepts of sharing economy. Keeping in mind that some SMU districts reach sizes with some 100,000 citizens, it can be argued that these SMU districts are too big to deliver these functions. Should there be smaller units on neighborhood level? SMU councils are important for identity, social, and sustainability. Together with innovation this democratic innovation could be made fruitful for the future of local governance.

METROPOLITAN DISTRICTS: THE EXAMPLE OF BERLIN

History and Reform Drivers

After the foundation of the German Empire in 1871, the problem of coordinating administrative action of different authorities in the greater area of “Berlin” was in dire need of regulation. Although Berlin and its dynamic development as well as the associated population growth were not comparable with the other counties in the district of Potsdam anymore, it was treated as such and it was placed under the government authority of the Brandenburg District Potsdam. In 1881, Berlin became a separate administrative district with more municipal rights (see Erbe 1987: 745). The administrative power remained largely with the police commissioner who was controlled by the Prussian Ministry of Interior and exercised the de facto function of a district president. The discussion about the administrative structure in the Greater Berlin area started at the end of the nineteenth century. In 1911, the organizational model of a *special-purpose association* (Zweckverband) was implemented to take over local tasks of transport, infrastructure, and spatial planning to solve the problems that had arisen in the metropolitan area due to the rapid industrialization and urbanization exceeding the old city borders of Berlin. Despite some success, however time showed very quickly that cherished hopes regarding the Special Purpose Association Act (Zweckverbandsgesetz) were not fulfilled, and an expedient administrative structure for the ever-evolving dynamic Greater Berlin had not been found (see Engeli 1986: 38). This administrative structure was still too fragmented in relation to the problems to be addressed, which were resulting from industrialization and

the associated urbanization (Röber 2002: 38 et seq.). The special-purpose association was too weak to overcome the resulting disadvantages because it had insufficient competences, the Association Assembly lacked the democratic legitimacy, and there were strong conflicts of jurisdiction between the mayor of Berlin and the association director.

After the end of World War I, therefore discussions reignited very quickly concerning a possible institutional architecture that took the needs of the metropolitan area of Berlin into account. Ultimately, the discussion came down to the model of a *decentralized unitary municipality* with a city council and a municipal administration, both responsible for citywide issues, and with district assemblies and district administrations, which were meant to be responsible for local (district-related) issues (see Zivier 1998; Röber 2002). Although the districts did not become full-fledged local governments with all rights and obligations—as “normal” municipalities in Germany or the boroughs in London, they nevertheless received the status of quasi-self-government. The compromise of the decentralized unitary municipality as a two-tier model which was finally codified in the Berlin Act of April 27, 1920, still characterizes the institutional setting of Berlin at the present time. It has been made possible by the fact that—in contrast to the alternative model of a *centralized unitary municipality* preferred by the political left at that time—the *districts* received additional competences, for example, regarding youth welfare offices and school administration, electing district office members, and in managing the district’s own affairs. Additionally, the Greater Berlin Act comprised a comprehensive territorial reform, which mainly concerned the numerous incorporated rural municipalities. From that day forth Berlin consisted of 8 older municipalities, 59 rural municipalities, and 27 agricultural estates. The urban area was divided into a total of 20 districts. This structure persisted, apart from a few changes,¹ until the district reform in 2001 (see below). However, in 1933, the dictatorial leadership principle terminated the development of local-level democratic institutions temporarily.

After the end of World War II, a development that was not nearly comparable to that of any other major European cities took place in Berlin in the wake of the division of Germany. The divided city and its two halves had two completely different functions. While East Berlin was gradually expanded to become the capital of the GDR, West-Berlin—surrounded by East Germany—had to redefine its role as a *city-state* (Zivier 1998; Pfennig and Neumann 2000). Taking up on the administrative traditions of the Weimar Republic, West-Berlin adopted the model of decentralized unitary

municipalities in its constitution, remaining on the institutional path pre-defined in 1920 (Kreutzer 1956, 1959). Although the districts were still not legal entities, they remained entitled to the principles of local self-government to be involved in administrative tasks, which included an extensive organizational and personnel authority and the autonomous execution of district tasks. The functional and political upgrading of the central-level city administration (Senatsverwaltung) as the “highest state authority”, the exceptional challenges in rebuilding the city, and the exposed geo-political situation, however, promoted the position of the central-city administration rather than local-level district administrations. The immense expansion of the public sector—mainly financed by federal funds—also led to a capacity growth in the district administrations and concealed a relative power loss on the part of districts. In fact, however, district competences were hollowed out gradually, so that the districts were in danger of being increasingly reduced to organizational sleeves without access to the substantive matter of public duties.

Over time, however, the weaknesses of aligning ever more centralized policies were relatively clearly exposed. The criticism was mainly due to the larger and more cumbersome central-city apparatuses which were less and less able to solve pressing social problems and encountered ever-decreasing public acceptance. These signs were picked up by the Berlin Parliament (House of Representatives—Abgeordnetenhaus), which installed a commission of inquiry regarding an administrative reform in 1982. The prospects of a fundamental reform were promising because the social democrats had lost their decades-old government majority in 1981 and the conservatives taking over government responsibility did not want at all to be identified with the “old” administration blamed for the inefficiency and even corruption. The proposals in the final report (Enquete-Kommission 1984) submitted by the commission in May 1984 were directed inter alia at strengthening the districts’ autonomy as part of Berlin’s two-tier administrative model. The practical consequences of the commission’s proposals nonetheless remained marginal because the political majority at central-city level had no interest in strengthening the districts.

Local Democracy, Participation, Representation
(Politics-/Polity-dimensions)

The reunification of Berlin in 1990 with its dramatic political, economic, and financial challenges triggered a renewed reform and modernization

phase. As a result, the relation of the central-city and the district level was re-balanced, politically, functionally, and territorially. On the one hand, political institutions, participatory rights, and decision-making procedures were changed. On the other hand, the territorial reorganization of the district administrative level and the redistribution of administrative powers in favor of the districts (functional reform) were promoted (see further below). Following the direct-democratic development in other German states in the course of the 1990s (see Wollmann 2002b), Berlin introduced a number of new participatory elements aimed at increasingly involving the population in local decision-making process through popular initiatives, petitions, and referendums at district level (see Wollmann 2002b). Moreover, the political visibility of the individual districts was increased by the fact that the district mayor is no longer automatically elected by the largest group, but by a coalition that has the majority of seats in the district council.

The Berlin districts are so-called two-body systems. They are made up of the district government (Bezirkamt), which consists of the district mayor and four district councilors, and the district assembly (Bezirksverordnetenversammlung), which is the district's self-government body and is composed of 55 directly elected members (BezVG i.d.F.v. 10.11.2011). A simultaneity of a central-city mandate (Abgeordnetenhaus) and a district-level mandate is excluded (incompatibility), and there are own candidate lists for each district and for the whole city parliament. The district mayors and district councilors, all of whom are full-time (salaried) elected officials, do not belong to the central-city House of Representatives, which is stipulated by the Berlin state election law.

The election of the district mayors and the four district councilors by the district assembly (with a simple majority) up to the year 1990 corresponded to the procedure of a strict proportional representation (Wollmann 2002b: 285), according to which all parties represented in the district assembly were awarded seats in the district government according to their respective representation in the assembly. After political and academic discussions had repeatedly been calling for a "political district government", that is the district governing body was to be formed by majority and coalition building—as was also the case at central-city level, the constitutional amendment of September 3, 1990, introduced an electoral procedure for "quasi-coalition building" for the district mayor. However, the proportional election of the district councilors has been retained, and thus the "political district government" has not been realized so far.

Against this backdrop, it is hardly surprising that the vertical conflicts of interest between the central-city government (Senat) and the SMUs (Bezirke) of Berlin are still very prominent and to a certain extent “systemic”. The predominant conflict line is a vertical one that runs along the institutional scale of districts versus central-city, rather than along the political left-right scale (as this is the case in other metropolitan cities, e.g., in Paris; see Kuhlmann 2007). This characteristic pattern of conflict is inter alia due to the fact that in Berlin there is still no “political” district government and that the aforementioned proportional representation hinders the formation of clear left-right cleavages. Therefore, political party competition is clearly superimposed or blurred by vertical level-wise conflicts between the central-city government and the districts. In politico-analytical terminology, one could also say that the relationship between districts and the entire city in Berlin is determined more by the *polity* of the multi-level system, whereas *politics* and the logic of party competition are less important.

Functional Responsibilities, Discretion, Resources (Policy-Dimension)

In its function as a city-state, Berlin unites the competencies of a municipality (Article 28 (2) of the Basic Law (Grundgesetz) and that of a state (Article 1 para 1 VvB); see above). While state-level tasks (Landesaufgaben) are concentrated in the areas of schools, universities, science, justice, police, and economic development, the municipal tasks include, but are not limited to, urban planning, social and youth welfare, social services (nursery, nursing homes, counseling centers, and so on), public services (water, energy, public transport, waste disposal, and so on), and cultural affairs. According to the “General Jurisdiction Act” (§ 1 AZG), however, state and municipal tasks are not separated in Berlin.

The districts of Berlin have no formal local self-government authority. In particular, their status as so-called self-government units without legal personality (cf. Zivier 1998: 317) excludes “real” municipal self-government rights. In contrast to the “normal” local councils in Germany, the district assemblies neither have statute or taxation rights, nor are they allowed to decide upon budgets or the employment of civil servants. The central-city assembly (Abgeordnetenhaus) still has the right of unlimited budgetary power, and so far, despite the numerous demands made by the districts, it still denies the districts a share of the tax revenues of the city.

As a result, the district administrations are legally regarded as part of the Berlin state administration and the district staff is viewed as state personnel.

These restrictions and limitations of the districts' legal status notwithstanding, they have a number of quasi-municipal rights and traditionally a considerable multi-purpose task profile (Kuhlmann 2007). Firstly, the constitution of Berlin, implicitly referring to the principle of subsidiarity, prescribes a general competence clause in favor of the districts. According to Art. 67 I VvB, the central-city government (Senat) is only allowed to perform tasks of overall city-scale importance by its own administration. Secondly, an increasing approach to a quasi-municipal status of the districts can be seen in the relevant constitutional and legal texts (Wollmann 2002b: 276). Thus, it is said that the districts "do their tasks according to the principles of self-government" (Art 66 II VvB of April 5, 1998).² In addition, since the mid-1990s, there have been numerous steps taken to strengthen the financial autonomy and self-reliance of the districts, for example, through the introduction of global budgets³ (Art 85 VvB; §26 LHO). Thirdly, an element of political decentralization is seen in the fact that the district assemblies were granted the decision-making power on urban and land-use planning in 1994. Thus, for the first time quasi-legislative powers have been transferred to the districts and their legal position has been approximated to full-fledged local authorities (Zivier 1998: 318–319; Pfennig and Neumann 2000: 331 ff.). They implement district tasks autonomously, may restructure their administration without guidelines of the Senat, and their spending is more autonomous within the global budgeting system. Hence, although the districts formally do not have a status as autonomous local self-governments, they are nevertheless endowed with important self-government functions, which still reflect the compromise of the 1920 Berlin Act.

The districts' position in the Berlin two-tier system has been further strengthened as a result of the territorial reform, which became effective on January 1, 2001. It reduced the number of districts by merging them from 23 to 12. These newly created SMUs have an average of 300,000 inhabitants and are thus comparable to the 25 most populous cities in Germany (Wollmann 2002b: 288, see Table 5.1). The up-scaling reform has been pursued (besides the reduction of administrative costs), in particular following the argument that the capacities and performance of the districts would increase by way of mergers. Thus, the enlarged units have new possibilities to act as "big cities" and to call for a more significant

Table 5.1 Territorial structures of the Berlin districts

<i>Characteristics</i>	<i>Berlin</i>
Number of districts	12
Average size of districts in km ²	74.3
Smallest district (number of inhabitants)	238,278
Largest district (number of inhabitants)	394,816
Average number of inh. per district	304,413

Sources: Statistisches Landesamt Berlin 2016 and author's calculations/compilation

(political) decentralization of decision-making powers and tasks (functional reform). Additionally, this profound territorial reform may also be considered as an approach to reduce the coordination costs between the districts, to strengthen their position in the two-tier system, and thus to re-balance the centralized and decentralized mechanisms of steering in the city against the backdrop of failed centralist-bureaucratic systems.

While the constitutional, legal, and territorial development are clearly in favor of the districts, in practice, however, strong re-centralization tendencies can be identified that started with the budgetary crisis of the late 1990s. On the one hand, the districts complain that the global budgeting system has increasingly been undermined by the Abgeordnetenhaus and the Senat. For example, the Abgeordnetenhaus and the Senate have launched “special programs”, which ultimately decided centrally, for example, “whether or not the toilets will be repaired in school X or the roof of school Y or the sports facility of the club house Z” (Ulbricht 2002: 205,⁴ transl. by the author). Moreover, the responsibilities of the districts have been diminished by the fact that tasks are concentrated in central-city single-purpose authorities or public enterprises (e.g. the school authority—Landesschulamt, the management of Berlin's public swimming pools—Berliner Bäderbetriebe). This institutional agenda of the central-city tends to strengthen centralized single-purpose organizations rather than supporting the multi-purpose profile of the quasi-municipal districts. Another indication for such a trend is that the Senat frequently and increasingly attracts tasks of so-called city-scale importance in order to allocate these functions to the central-city level and to withdraw them from the district-level, which is evident, for instance, in the area of urban and land-use planning. Table 5.2 also reflects the increasing resources and capacities at central-city level in terms of public employment compared to the district level. Thus, there has been a decrease in the districts' share of

Table 5.2 Public personnel of Berlin according to administrative levels (2003, 2016)⁵

<i>Level</i>	<i>Public employment</i>		<i>Decrease in public employment</i>		<i>Public employment share of the level</i>		<i>Public employment per 1000 inh.</i>	
	<i>(Absolute numbers)</i>		<i>2003–2016</i>		<i>in %</i>			
	<i>2003</i>	<i>2016</i>	<i>Abs.</i>	<i>in %</i>	<i>2003</i>	<i>2016</i>	<i>2003</i>	<i>2016</i>
Central-city administration ^a	106,096	91,153	-14,943	-14.1	67.2	80.7	31.2	26.0
District administration	47,531	21,756	-25,775	-54.2	30.1	19.3	14.0	6.2
Total ^b	157,794	112,909	-44,885	71.6	100	100.0	46.4	32.3

Sources: <http://www.statistik-berlin.de/statistiken/oefffinanzen/beschaefigte.html>, 25.11.2004; Statistikstelle Personal 2016

^aIncluding public enterprises acc. § 26 LHO

^bExclusively direct civil service; without “overflow staff” (Zentraler Personalüberhang)

public employment in Berlin from 30 percent in 2003 to 19 percent in 2016 and an absolute decrease in district-level public employment by more than 50 percent since 2003 (compared to “only” -14 percent decrease at central-city level). Whereas, in 2003, there were still about 14 district public servants per 1000 inhabitants, by 2016, the number had shrunk to only 6. These developments obviously mirror a growing trend of re-centralization, a functional weakening of the sub-municipal level vis-à-vis the central level within the metropolitan city, and a significant rolling back of the local public service in Berlin in general. The reasons for this trend are manifold. First, it mirrors the strategy of the central-city administration to attract an increasing amount of former district tasks in order to intensify centralized control and to guarantee a more uniform (top-down) implementation of policies in some areas (which is appropriate for tasks of city-scale importance, yet less suitable for locally occurring functions). Another driver for centralization has obviously been the fiscal crisis and the need for cutback measures over the last few decades. Finally, centralization also seems to be a consequence of the general trend toward (centralized) single-purpose agencies, corporations, quangos, and so on, to replace (decentralized) multi-purpose organizations, which has been a major part of the NPM reform agenda.

General Assessment and Multi-level Governance

Looking back at the long-term institutionalization path Berlin underwent (including the reform phase after the reunification of the city), there is evidence that the two-tier structure has remained the organizational model for the City of Berlin throughout time. The institutional development of Berlin as today's city-state can be described, in a simplified way, as the transition from a special-purpose association to the decentralized unitary municipality with quasi-municipal districts (Röber 2002). The Berlin Act of 1920, which created the unitary municipality of Greater Berlin, was the historic starting point for the organizational structure of the Berlin two-tier system, which still exists today and according to which the competencies are divided between the central-city administration and decentralized units of the districts. The institutional compromise between a central unitary municipality on the one hand and decentralized self-government units with quasi-municipal status on the other hand, still leading to conflicts and frustration between the levels, is a characteristic of the Berlin organizational model. Sometimes these facts are also described as "birth defects" of Berlin's administrative system. However, changes in the relationship between centralized and decentralized powers were never so profound that this basic model would have been put into question. All reorganizations oscillated more or less strongly toward the compromise already made almost 100 years ago (see Röber and Schröter 2002). Party politics initially revealed clear positions—the centralists were on the political left, the decentralists were in the conservative bourgeois camp—which blurred over time more and more, so that the line of conflict in terms of centralization and decentralization now cuts across all political parties. The balance of power between different levels of government has become, however, increasingly affected by the federal government's activities since Berlin became the German capital. Looking at this central function as the German capital, the administration at the lower level of Berlin could increasingly be the "loser of powers" in the negotiations between the federal government and the State of Berlin in the future. But this may initially affect only the inner-city areas—as the example of the restricted district's planning powers became clear in the central urban area. Moreover, the central-city administration makes use of its right to intervene concerning prestigious public projects in the inner-city area.

CONCLUSION

Summing up, we observe a growing importance of SMUs in the German multi-level local government system. This is on the one hand due to a general trend toward up-scaling, beginning in the 1970 in the western parts of Germany and persisting in East Germany from the 1990s onward, possibly even spilling over again to the West German Länder in the future (see current debates in Lower Saxony, Rhineland-Palatinate). In many cases, SMUs were introduced in order to safeguard a certain level of bottom-level participation, identity, and proximity to the citizens and thus to re-balance the centralization resulting from large-scale amalgamation reforms. On the other hand, (sub-) urbanization processes and growing populations of bigger cities have made it necessary to find institutional solutions for governing the metropolis, which has led to the two-tier structure of metropolitan cities, such as Berlin. In both cases, the challenge of balancing central-city and sub-municipal functions is in the very heart of institutional debates and still leads to many conflicts in these systems. Moreover, there are often opposing trends of institutional development.

Regarding SMUs in metropolitan cities, there are conflicting institutional trends. In Berlin, on one hand the legal rights, the territorial size, and political-democratic position of the districts have been strengthened over time, which has significantly enhanced their quasi-municipal or even quasi-city status. On the other hand, the districts are still lacking the rights of full-fledged local governments—therefore, the term SMU applies to them—and have to cope with shrinking resources conspicuously mirrored by a decrease in the number of public personnel by 50 percent since 2003. In addition, there is a clear tendency of re-centralization within the two-tier system, and thus a substantial weakening of the sub-municipal level is seen in the growing proportion of central-city public servants (80 percent) compared to districts-level public servants (30 percent), in the increasing trend of concentrating functions in central-level special-purpose organizations or public enterprises, and in the ongoing tendency to impose special-purpose spending on the districts through “special programs” thus hollowing out the concept of global budgets as a tool of unconditional spending and local autonomy. This stands at least partly in contrast to the modernization strategy of the so-called Service City Berlin (see Zink 2013: 344 et seq.) aimed at improving services for the citizens and enhancing customer orientation at the “street level”.

Moreover, most recent developments have shown that re-centralization and centralized service provision often do not meet citizens' needs and are sometimes poorly suited to resolve wicked policy problems. One example is the institutional failure of the LaGeSo (Berlin State Authority for Public Health and Welfare), a centralized authority of the Land of Berlin that proved completely unable to react to the pressures arising from the refugee crisis. Of course, the districts, too, are facing major challenges in this context, as many German municipalities do. However, they seem to respond more flexibly, pragmatically, and creatively, for instance introducing district coordinators for refugee management or district one-stop offices for refugees. Whether this local expertise and capacity of the district level in combination with the experience of institutional failures of central-city authorities will finally contribute to re-strengthen the position of the districts within the two-tier system of Berlin still remains to be seen.

In contrast to the metropolitan districts, the implementation of municipal districts and sub-municipal councils in the 1970s can be regarded as a kind of compensation for the territorial reforms which the amalgamated municipalities had to accept. Some Länder, such as Bavaria, resisted this trend toward territorial reforms. Bavaria kept its small entities, and some functions were up-scaled to the county level. Other Länder, such as Rhineland Palatinate, created *Verbandsgemeinden* as a kind of double-decker municipalities with two levels of full-fledged local authorities in order to increase municipal capacities without amalgamating local entities, but also to institutionalize inter-municipal cooperation (some Länder, such as Sachsen-Anhalt, followed this example; in Brandenburg, currently there are debates about the introduction of this model). Predominantly Länder NRW and Hesse followed a strategy of centralization and strictly reduced the number of municipalities and created SMUs, which caused political protest and resistance. The loss of independence and autonomy were reimbursed by new infrastructure (town halls, public pools) in the amalgamated suburbs. Sub-municipal councils were supposed to compensate the lost power of local leaders. Here, two different strategies become obvious. In NRW, it was feared that in the amalgamated smaller villages, strong local leaders would persist and compete with the new unitary councils. Since, in NRW, political parties play an important role in local politics as well as in the sub-municipal councils, the strategy was to build broader SMUs with new sub-municipal councils and new leadership.

This strategy contrasted, however, with the idea of having units with their own historical identity and cultural embeddedness. By contrast, in Hesse smaller village structures were maintained and incorporated in the new, often artificial broader entity. Here, traditional structures and leadership were persevered. This was strengthened even more after the introduction of a personalized voting system in the State of Hesse according to which citizens can crosscut existing party lists (cumulate and panache). Nevertheless, in Hesse as well as in NRW these new SMUs are strongly restricted in their influence toward the council and the executive. Although sub-municipal councils do have the right to be informed and to submit proposals relevant to their constituency, they do not have the right to address the council directly. Consequently, sub-municipal councils do not have a strong veto function. The same applies to the planning function of sub-municipal councils that is not much developed. During the meetings, for instance, they mostly focus on local issues (speed limits, town planning, and so on), and the head of the SMU only fulfills some administrative functions and represents the city administration and the council in the suburb. However, municipal districts and sub-municipal councils are important actors in the local decision-making process; they play a keyrole in monitoring local politics.

Finally considering future challenges, local German politics is confronted with a number of wicked issues. Firstly some of these are the demographic change, aging, a growing elderly population, and possible crisis of the social welfare state. Secondly, the current refugee crisis and the urgent need for new policies of migration, immigration, and integration in multi-ethnic urban settings. Thirdly, cities are seen as the important nucleus for transformation and innovation in sustainability policies regarding energy production and consumption (smart grids), shared economy, and so on. In this domain, the neighborhood can play an important role, and, thus, the size of the neighborhood and the SMU is a relevant parameter in these policy sectors. For resolving the above-mentioned wicked problems, and also for building up local identities and establishing viable social networks, it might thus become necessary that within the ever-growing city-like metropolitan districts, where these problems are most pressing, smaller entities (“sub-sub-units”) will have to be created in order to flexibly and creatively manage the crisis, guarantee proximity to the citizens, and ensure social inclusiveness and sustainability.

NOTES

1. In East Berlin, the district of Marzahn joined in 1978, the district of Hohenschönhausen joined in 1985, and the district of Hellersdorf joined in 1986. After the reunification in 1990, the number of districts in East Berlin was not changed, and thus Berlin had 23 districts in 2001.
2. The “old version” of Art 66 II of VvB (1995) still states that the districts “were to be involved in administration according to guidelines of self-government” (Wollmann 2002b, transl. by the author).
3. According to the global budgeting system (Globalsummensystem), districts are allocated their financial resources as overall sums of money. They are then free to distribute this overall sum of money for their tasks in the budget and to adopt the budget, which is then put into effect by the Abgeordnetenhaus.
4. Ulbricht is a former district mayor of the district Treptow-Köpenick.
5. When looking at Berlin’s rather high number of 70 percent of total personnel being employed by its main administration, one has to take into account that there is a high number of teachers and police staff who are also state employed.

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Norbert Kersting is a professor holding the chair for Comparative Politics - Local Regional Governance at the Department of Political Science at the University of Muenster (Germany). From 2006 to 2011 he was holding the “Willy Brandt Chair on transformation and regional integration” at the Department of Political Science, University of Stellenbosch. He was a fellow at the Institute of Political Science at the University of Marburg and Electoral Integrity Project (Sydney). He

was a visiting professor at the University of Koblenz-Landau and the University of Kassel. He is vice-chair of International Political Science Association's Research Committee 10 on "Electronic democracy" and chair of Research Committee 5 on "Comparative Studies on Local Government and Politics".

Sabine Kuhlmann has been Full Professor of Political Sciences, Administration and Organization at the University of Potsdam, Germany, since 2013. From 2009 to 2013, she was Full Professor of Comparative Public Administration at the German University of Administrative Sciences in Speyer. She chairs the COST Action "Local Public Sector Reforms: An International Comparison" and is a member of the National Regulatory Control Council, which advises the German Federal Government on Better Regulation. Her work and research focus on comparative public administration; administration modernization/international public sector reforms; comparative local and regional government; evaluation, better regulation, and regulatory impact assessment; multi-level governance and decentralization.

Between Identity Politics and the Politics of Scale: Sub-municipal Governance in Greece

Nikos Hlepas

INTRODUCTION

Local identity remains an important form of social identity (Turner and Reynolds 2010). According to the European Values Survey of 2008,¹ more than one-third of Europeans (in 47 countries) would, on average, rank the locality or town in which they live as the first or second most important group to which they belong. This self-categorization of people as “locals” can be stronger in rural areas (Zachou 2003) or among people belonging to a certain social class or group (the poor, the rich, the laborers, the native born, etc.), because they also perceive local identity as an imprint and a multiplication of their other identities (Deleon and Naff 2016). This sentiment of belonging to a geographically defined community has been the underlying basis for the development and practice of citizenship which nowadays operates at different levels (Held 1993: 45; Lowndes 1995: 161) and scales.

N. Hlepas (✉)

Faculty of Political Science and Public Administration, National and Kapodistrian University of Athens, Athens, Greece

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Politically organized local communities that rely upon historical roots have strong path dependencies and an important amount of symbolic and political capital (Bourdieu 1986; Casey 2008). This is particularly the case in long-established rural (or semi-urban) communities with a political existence of their own as local governments, while in urban or even suburban areas historical clues are often blurred and local identities overlap. Especially in big cities, where most people suffer from extreme time pressure and solidarity networks are weaker, efficient service delivery by local governments is usually far more important than symbolisms and identities of localities, while strong party organizations and social movements offer additional (and sometimes more attractive) forms of political articulation (Chatre 2008).

Amalgamations of smaller municipalities seem to sacrifice proven bases for bonds of citizenship and civic culture with their accumulated symbolic and political capital, for the sake of efficiency. Following mergers, new and bigger municipalities are expected to obtain more resources and receive additional tasks, creating both economies of scope and economies of scale and at the same time making redistributive policies possible at the municipal level (Lowndes 1995: 166), finally offering more and better services to their citizens. Up-scaling could eventually also be positively perceived or even promoted by political parties, trade unions and professional or business interests that anticipate a more convenient operation or even the creation of new market spaces (Swyngedouw 2000; Brenner 2004).

In reverse, downscaling in local government is expected to enable a more authentic articulation of individual choice and collective preferences (Tiebout 1956; Ostrom and Ostrom 1977), furthermore to revitalize civic culture and local community (Tavares and Carr 2013). Fragmentation of previously merged municipalities has been practiced in Central and Eastern Europe during the nineties (Illner 2010: for the Czech Republic) but was quite rare in Western Europe. Intra-municipal downscaling through the creation of sub-municipal territorial units is a widespread practice in many European big cities as well as in municipalities created through amalgamations.

Intra-municipal downscaling is often labeled as a remedy for the negative effects of size (Peteri 2008: 8), while some other authors point out the risk of “disarticulation” in the political system:

As an ideal type, a disarticulated political system is one in which the majority of citizens have little or no direct influence on the political process.

Conversely, articulated political systems provide the space and opportunity for actors to influence the political process through direct engagement. Political actors in disarticulated systems are oriented upwards within the political hierarchy, following the direction of power and authority. There are structural impediments to downward accountability. These impediments are only exacerbated by vertical networks of patronage and clientelism that privilege narrowly defined identities over democratic norms of citizenship. (Chatre 2008: 15)

Intra-municipal decentralization should ideally create the space for demands from below and empower local authorities to attract the attention of citizens for engagement. Institutional architecture of politics can create incentives for responsiveness and accountability of decision-makers, or for effective influence and participation of citizens. Following Schumpeter (1943), it can be argued that a democratic system will only push politicians toward greater responsiveness under certain conditions. High political competition at the electoral district and higher levels of responsibility will push political parties and political leaders to be more responsive toward local grievances. At the local (sub-municipal) level, politicians can be directly responsive if they have the necessary powers and resources to resolve local problems.

Greece has been labeled as the “most centralized country in Europe” (Hlepas 2003), while the Greek local government system is characterized by extreme concentration of power in the hands of the (directly elected) mayor (Hlepas 2010: 242; Heinelt and Hlepas 2006: 38, 39). Successive waves of local government reforms did not seriously affect the balance of power within municipalities. Sub-municipal governance first emerged in the big cities and then gradually in all municipalities affected by territorial reforms. The question arising is whether the creation of these “double-decker” municipalities comprising two territorial scales would overcome the long-established path dependencies of intra-municipal centralism and create a new political balance, or whether sub-municipal units (SMUs) would limit themselves to identity politics and territorial representation.

In the following parts, this chapter will firstly present the historical background (1) before critically approaching the “participatory euphoria” of the eighties (2). The first comprehensive territorial reform in the late nineties (“Kapodistrias” project) also marked the introduction, by law, of thousands of SMUs that were supposed to continue territorial representation and express local identity (3). This chapter will then take advantage of the

existing empirical research in the following part, where evaluations of local politicians will be analyzed (4), before the last territorial reform (“Kallikratis” project) is considered (5). A critical overview of the existing status of sub-municipal governance will follow (6), before conclusion is drawn.

HISTORICAL BACKGROUND AND REFORM DRIVERS

During the Ottoman rule, Christian village and township communities were for centuries the pillars of local and religious identities. Right after the long-lasting War of Independence (1821–1833), the new Kingdom of Greece implemented a radical territorial reform, abolishing thousands of historical communities and establishing a modern, French-inspired model of public administration. The new, big municipalities were given ancient Greek names and the title of “demos”, being part of a comprehensive endeavor to restore national self-esteem and revive pre-Ottoman local identities. These demoi were a little more than 400, with large areas comprising several settlements. Corresponding practical needs in former communities were the main reason for launching the institution of the locally elected “Headman” (“Paredros”) who was the local assistant of the mayor and responsible for local affairs, such as the management of community property.

By the late nineteenth century, village communities felt neglected, whereas directly elected mayors of parent municipalities consolidated their position as key players in party and clientele networks, often influencing parliamentary affairs behind the scenes. By 1912, liberal modernizers bestowed the right to become an independent community upon any settlement with 300 (or more) inhabitants. The recognition of a “collective right to local self-government” satisfied both liberal and romantic-communitarian ideologists, while at the same time applying political calculus with the aim of expelling rural mayors from power games. As a result of this reform, 445 demoi with an average population of nearly 6000 inhabitants were soon replaced by more than 3000 simply organized village communities (“koinotes”), while the more sophisticated type of “demos” municipality was reserved for cities only.

In this new, highly fragmented landscape of local government, there was hardly any space left for sub-municipal structures. Even in the following decades, the prevailing pattern was fragmentation, often following citizen’s initiatives alongside local or cultural identities. This was the case with the numerous “refugee”—municipalities and communities that were established

in areas where Greeks from Anatolia settled (mostly in groups of compatriots) in the twenties, often bearing the names of their places of origin (like “New Smyrna” and “New Philadelphia” in Attica). Even in the fast-growing agglomerations of the post-WWII era, the answer to urbanization has often been the separation of newly populated parts from parent municipalities, especially when the local population had expressed the will (mostly through a corresponding petition) to become an autonomous community or municipality. In this way, by the early seventies the major Athens-Piraeus agglomeration and the conurbation of major Thessaloniki included no less than 150 and 130, respectively, municipalities and communities within their metropolitan areas.

However, the biggest, extremely densely populated city core municipalities were facing problems of social segregation and difficult access to central municipal administration. Therefore, the new municipal code of 1980 (act 1065/1980) provided (art. 2.3) the sub-division of all municipalities with over 150,000 inhabitants into territorial “departments” (“*diarismata*”). The number of these departments and the concrete territorial delineation of each one of them in each city were to be defined by a presidential decree, following a respective non-binding opinion of the municipal council, also taking into account the criteria of population allocation and that of better service for citizens. In each department, a corresponding unit of municipal administration would be established and the municipal councils would be entitled to decide upon the kind of municipal services that would be most feasible to operate at the level of these sub-municipal departments.

This kind of territorial deconcentration was soon implemented in the municipalities of Athens, Piraeus and Thessaloniki, where five to seven departments were created in each one of them, on a much larger scale than the historical neighborhoods of these cities, while also surpassing the modern social segregation territories. The first departmental services to be established were field offices processing routine bureaucratic tasks “closer to the citizen”, while some social services (e.g. to the elderly) followed.

A NEW START FOR LOCAL DEMOCRACY?

THE PARTICIPATORY EUPHORIA IN THE EARLY EIGHTIES

By 1982, the newly elected socialist majority issued a new act (1270/1982) on election mode, intra-municipal decentralization and popular participation in municipalities and communities. The socialists had placed the “pro-

motion of citizens' participation" and the introduction of new participatory institutions on the top of their reform agenda, as an integrative part of their strategy for the "democratization and de-bureaucratization" of public administration (Spanou and Sotiropoulos 2011). In Athens, Piraeus and Thessaloniki, the law was transforming the pre-existing, purely administrative departments into sub-municipal political bodies. In the following municipal elections, 15-member departmental councils were elected in each sub-municipal department on the same day, with the same ballots and for the same term (four years) as councilors and mayors of the parent municipalities in Athens, Piraeus and Thessaloniki. Independent departmental candidatures were not allowed and local departmental candidates were simply included on the ballot paper of each candidate list for the parent municipality that also included the names of candidates for the parent municipal council as well as the name of the mayoral candidate heading the whole list. Seats in departmental councils were allocated to the candidate lists according to municipal election results of the city as a whole, not according to the local vote in each department. Departmental councilors were, nevertheless, elected according to the number of preference votes received from the voters of the respective department (each voter could check one name). Departmental councilors would also be electing among themselves a Chairperson for a two-year term who would act as a representative of this council and at the same time as a local assistant and representative of the mayor who could also delegate some of his tasks to this Chairperson.

The departmental council should meet once per month and formulate opinions concerning service development, real estate, public utilities, material and social infrastructure, urban renewal, social and cultural policies of the municipality at the level of the department. These opinions were submitted from the department to the mayor of the city and then to the executive ("mayoral") committee that could forward them to the municipal council for relevant discussion and—eventually—decision. In any case, whenever departmental affairs were being discussed or decided by the municipal council, the Chairperson of the affected department should be invited to the session, where he/she also had the right to speak (but not to vote), acting as a link between the municipal and the departmental council.

Act 1270/1982 also re-introduced the old institution of the "Head" (Paredros) in all (urban and rural) settlements that were registered as "separate" by the National Statistics authority. Officially, there were more than 12,000 such settlements all over Greece, but in fact, only in a few hundreds of them were candidates for the post of Headman included for some settle-

ments in candidate lists of councilors and mayors running for election in parent municipalities. Elected heads had some consultative functions and were also entitled to participate and speak in municipal council sessions whenever their home settlement was affected by pertinent council decisions. These heads could also convoke a popular assembly once a year, where local affairs of their settlement could be discussed. This popular assembly could also issue, by majority vote, relevant petitions to the parent municipality.

Municipalities could also decide on their own initiative to introduce “neighborhoods” (“synoikia”) as sub-municipal entities. Act 1270/1982 authorized the municipal councils to decide upon the sub-division (according to legally defined criteria) of municipal territory into “neighborhoods” as well as upon the tasks that would be delegated to neighborhood councils, in addition to some consultative responsibilities that were already provided by law (e.g. on cultural, educational, social and environmental affairs of the neighborhood). The municipal council would also decide upon the election mode of neighborhood councils that would have a rather short term of office (minimum one and maximum two years). The law allowed “all residents” to participate in neighborhood elections, where aliens voted for the first time in some Greek municipalities.

Initial enthusiasm for these new participatory institutions dwindled pretty soon, since they turned out to be one more arena of party competition in times when extreme polarization between the liberal-conservative opposition and the socialist majority prevailed. In big cities, party loyalties were strong and these new sub-municipal entities could barely give voice to local values and choices: Due to the election mode (“one-election-result-for-the-whole-municipality”, see above), departmental council composition did not reflect local preference for certain lists but only local preference for certain persons within lists elected by the whole municipality. Elected departmental councilors would strongly depend on their municipal party list and tended to be party loyalists, especially if they were ambitious and strived for a political career at higher levels. Furthermore, the fact that territorial delineation of departments in big cities had nothing to do with local identities and social segregation was also undermining the perspectives of citizens’ identification with sub-municipal constituencies.

What was even more important for the frustration of initial expectations about the perspectives of SMUs both in urban and in rural areas was the fact that neither the national legal framework nor the pertinent municipal statutes provided for the delegation of important decision-making responsibilities and commensurate resources to the sub-municipal level. Major

stakeholders in parent municipalities felt threatened by the perspective of decentralization to the sub-municipal level. City politicians were not willing to let the departments become stronger than the minimum imposed by law. City majorities wanted to keep their powers and were afraid that strong departments would become the breeding ground for local oppositionists, triggering disintegration processes of their majority party list and of city politics in general. Major opposition groups, on their part, were sometimes also reluctant to the idea of strong departments, since sub-municipal problems were traditionally a privileged field of city opposition politics that they were not willing to concede. Professional administrators, finally, both at the city level and at the level of the departments were reluctant to becoming accountable to sub-municipal politicians at a territorial level where their unions would have much less say over decision-making than at the city level. In fact, even the deconcentrated units of city administration in the departments were subordinated to central city administration and the law introduced mere information rights for departmental councilors and chairmen. Departments without decision-making powers and supervising authority over (sub-) municipal administration could hardly stimulate the interest of local citizens after a first initial phase of enthusiasm for the new sub-municipal institutions. And this was the disappointing outcome also in middle-sized cities and smaller towns that experimented with sub-municipal institutions like neighborhood councils and popular assemblies, furthermore in rural settlements with their “heads”. After all, in smaller towns and rural communities, citizens’ access to municipal decision-makers was rather easy (Katsoulis 2011).

A MATTER OF IDENTITY POLITICS IN TERRITORIAL REFORMS?

Amalgamation of small rural communes had been a subject of public debate since many years. During the eighties and the mid-nineties, the ruling socialists promoted participatory and functional reforms but seemed to hesitate in contemplating territorial reforms. More than 80% of the 5774 rural municipalities (called “communes”) had less than 1000 inhabitants; nearly all were extremely understaffed and deprived of any possibility to fulfill their tasks. The share of population living in rural municipalities had dropped from 68% in 1940 down to 36% of the total population in 1981 (Hlepas 2010: 231). By 1984, it was decided to deal with this problem in two ways: by encouraging voluntary amalgamations of smaller communes through grants and other incentives, and by creating new forms of inter-

municipal cooperation. Both ways failed, paving the way for a comprehensive territorial reform (Hlepas 2010). By 1997, the “Kapodistrias Plan” of amalgamations was the cornerstone of a new, efficiency-oriented local government policy. Reformers asserted citizens would have more influence on local politics (a “participatory effect” of amalgamations), since the new municipalities would undertake a much wider range of activities. At the same time, continued representation of the old rural municipalities would be provided through local, directly elected community councils explicitly foreseen by the “Kapodistrias” law of amalgamations (Act 2539/1997). By virtue of this act, the total number of municipalities has been cut down by 80%, a percentage that would be even higher if the metropolitan areas of Athens and Thessaloniki, which were exempted from the amalgamations—plan, and included more than 160 municipalities (and half of the country’s total population), were not taken into account. The average population of the municipalities climbed up from 1761 to 10,057 inh. and the average area from 22.65 km² to 127.61 km².

Resistance against amalgamations has been (with few exceptions) less strong than expected, although the strongest political parties of the opposition resisted this territorial reform and tried to mobilize their supporters. Performance arguments obviously persuaded a big part of local elites, since local communities in rural areas would expect much more from public administration than they used to in the past. Furthermore, many small villages were simply depopulated due to the urban pull of the previous decades. Their few, mostly older inhabitants, had no capacity to resist the amalgamations.

Nevertheless, “continued representation” of former communes was explicitly elevated to a principle in the “Kapodistrias” law of amalgamation. This principle would, on the one hand, overcome the eventual resistance of local politicians (since they could be re-elected, at worst, in sub-municipal posts) and, on the other hand, guarantee the living of local identities and common assets in village communities. Furthermore, local delivery of some rudimentary services would reinforce the argument that village communities had nothing to lose from such a territorial reform since the existing rural communes were not offering anything more than precisely these services.

According to the law, former communes would further on exist as “districts”, which would be sub-municipal constituencies where district councils (3–7 members, depending on the district population) would be elected. These district councils obtained several consultative and monitoring responsibilities, while they were also entitled to provide binding opinions on some matters, such as the management of local forest and pasture lands, of bequests, inheritances and gifts to the district community. Municipal coun-

cils could delegate decision-making powers and additional tasks for local affairs to the district councils, but this proved to be a very rare phenomenon, in the following years. District councilors were elected as candidates of municipal lists (independent or local district candidatures were not allowed), but the composition of the district council reflected the district election result and seats were distributed according to a proportional representation system. Out of the locally winning list, it was the candidate receiving most preference votes that was elected as Chairperson of the District Council. He/She would at the same time become a member of the parent municipal council (“double mandate”), unless he/she was elected in a small district (less than 300 inhabitants). Presidents of small districts (less than 300 inhabitants) were called “Heads”; they did not have a “double mandate” like their counterparts in bigger districts, but they had to be invited to the parent municipal councils where they also exercised voting rights whenever decisions affecting important assets of their district were taken.

AN INTERIM EVALUATION OF INTRA-MUNICIPAL DECENTRALIZATION IN THE ERA OF TERRITORIAL REFORMS

After the implementation of the “Kapodistrias” plan of amalgamations in 1997, newly elected local politicians took office in January 1998. The POLLEADER survey (Back et al. 2006) was conducted in Greece in late 2002, at the time when the first four-year term of office after the Kapodistrias reform was coming to an end. Mayors were asked about the influence of several different actors over the local authority’s activities (Back et al. 2006: 384). Respondents could rate this influence from 0 (= no influence) to 4 (= high influence). We compared the scores of mayors (they also rated their own influence), with the corresponding scores of single influential councilors and of quarter decentralized bodies.² We categorized the municipalities of the respondent mayors into five groups: First, the municipalities of metropolitan areas, second the group of urban municipalities (over 20,000), third the group of semi-urban or rural municipalities, fourth the group of insular municipalities (except the big islands of Crete and Euboea) and, finally, the group of municipalities without decentralized SMUs (in total, not less than 248 out of a total of 1034 municipalities and communes, see Table 6.1 below). We were expecting differences among these groups of municipalities and especially a strong influence of decentralized bodies in semi-urban and rural municipalities, where local identities are much stronger. We were expecting less influence of decentralized bodies in urban and

metropolitan municipalities, and also in insular municipalities where local identities are often oriented toward the island as a whole. Respondents from municipalities without SMUs were also included; they were expected to reflect a more distant approach on sub-municipal influence (since these mayors obviously did not respond about their own municipality). Finally, concerning the influence of the aforementioned actors, we expected mayors to rate their own influence much higher than the influence of other actors, further on to rate the influence of municipal councilors higher than the influence of decentralized municipal units (Fig. 6.1).

According to our findings, our hypothesis about the stronger influence of SMUs in semi-urban and rural municipalities seemed, at first glance, to be confirmed since the mayors rated these units with a 3-score (“rather high influence”) in these municipalities, compared to 2.58 in urban, 2.43 in metropolitan and 2.27 in insular municipalities. Mayors stood out, as expected, while the influence of single influential councilors was found to be stronger than the influence of SMUs in metropolitan and, especially, in insular municipalities.

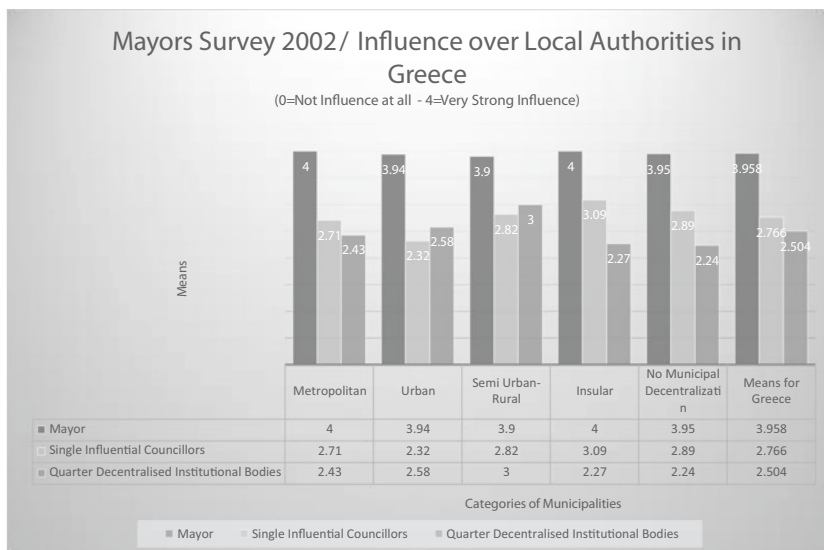


Fig. 6.1 POLLEADER Survey 2002—Influence of mayors, single influential councilors and decentralized bodies over the local authority activities. Source: POLLEADER Survey (Back et al. 2006), own elaboration

According to secondary literature (Katsoulis 2011: 6) these first “Kapodistrias” district councils (1998–2002) proved to be rather insignificant, while their presidents moved up and became important figures in local politics. Since they were also members of the municipal council, they could even change the balance between majority and opposition, especially in municipalities including a considerable number of districts. Therefore, mayors and majority councilors (sometimes even the opposition) were not at all happy with these new competitors who could tip the scales, sometimes. Local politicians who felt threatened or simply irritated by district chairmen and headmen soon decided to lobby for changes in legal framework and “get these busybodies off their backs”.

In national and regional associations of municipalities, mayors were, by far, the most powerful figures, while municipal councilors had some influence and district politicians nearly none. A similar pattern was applied to party organizations, where mayors stood out, while sub-municipal politicians were barely noticeable. It took, however, some time before this lobbying could bear fruit, when a new Municipal Code was drafted by the conservative government, shortly before the municipal elections of 2006. District chairmen were not synchronously elected as members of the municipal council anymore; they were to be invited whenever issues affecting their own district were on the council agenda. Only in such cases, district chairmen had the right to speak and vote. The new municipal code (act 3463/2006) assigned some new tasks to the district councils for urgent handling of minor damages in water and sewages systems, in roads and squares, for maintaining playgrounds and for the management of cemeteries. District chairmen and headmen were responsible for the implementation of the respective decisions and the management of an imprest account with fixed (small) amounts.

The new municipal code did not transfer new tasks to borough councils in big cities. Borough chairmen had only speaking rights and, by contrast to district chairmen, no voting rights in municipal councils whenever decisions affecting their borough were taken. Act 3463/2006 set the threshold at which a city is sub-divided into boroughs of 100,000 inhabitants. Therefore, the number of big cities with borough councils increased to eight with a total number of 36 boroughs (see Table 6.1.), while the number of other municipalities with districts remained nearly stable at 783 with a total number of 5824 districts.

By the beginning of 2007, the newly elected local politicians took office and started implementing the new municipal legislation. By late 2008 and early 2009, an empirical survey on councilors was conducted in Greece, as a part of the international MAELG survey on local councilors in Europe

(Egner et al. 2013). Councilors were asked about the influence of several different actors over the local authority's activities. Respondents could rate this influence from 0 (= no influence) to 4 (= high influence). We compared the scores given to mayors, with the corresponding scores of single influential councilors and of quarter decentralized bodies.³ Once more we categorized the municipalities of the respondent councilors in MAELG into the same five groups we had used for the municipalities of the respondent mayors in POLLEADER. Once again, we expected differences among these groups of municipalities, especially a strong influence of decentralized bodies in semi-urban and rural municipalities and less influence not only in urban and metropolitan municipalities, but also in insular municipalities. Finally, concerning the influence of the aforementioned actors, we again expected mayors to reach the highest scores, while municipal councilors were expected to rate their own influence quite higher than the influence of decentralized municipal units, especially in view of the fact that the new legislation of 2006 had abolished double mandates (municipal and district at the same time), giving less voting rights to district chairmen. (Fig. 6.2).

According to our findings, our hypothesis about the comparatively stronger influence of SMUs in semi-urban and rural municipalities seemed, at first glance, to be confirmed since the respondent councilors rated these units with a 1.22 score (a bit more than "little influence": score 1) in these municipalities, compared to 0.75 (somewhere between "no" and "little" influence) in metropolitan and 1.08 in insular municipalities. Urban municipalities reached nearly the same score as rural and semi-urban municipalities (1.20 compared to 1.22). Mayors stood out, as expected, while the influence of single influential councilors was found to be considerably stronger than the influence of SMUs in all types of municipalities.

Even though this MAELG survey was conducted among different respondents (municipal councilors instead of mayors) and six years after (following important changes in institutional framework) the POLLEADER survey, some considerable deviations in results should not go unmentioned: While MAELG results concerning influence scores for mayors are not very different from the corresponding scores in POLLEADER, differences are quite remarkable concerning both the influence scores of single councilors (an average of 1.76 compared to 2.77 in 2002) and the corresponding scores of quarter decentralized bodies (1.04 compared to 2.50). A possible explanation would be a more modest (compared to mayors) approach of councilors concerning their own influence, compared to ongoing strengthening of the municipal executive in previous years (Getimis and Hlepas 2013). Quarter decentralized

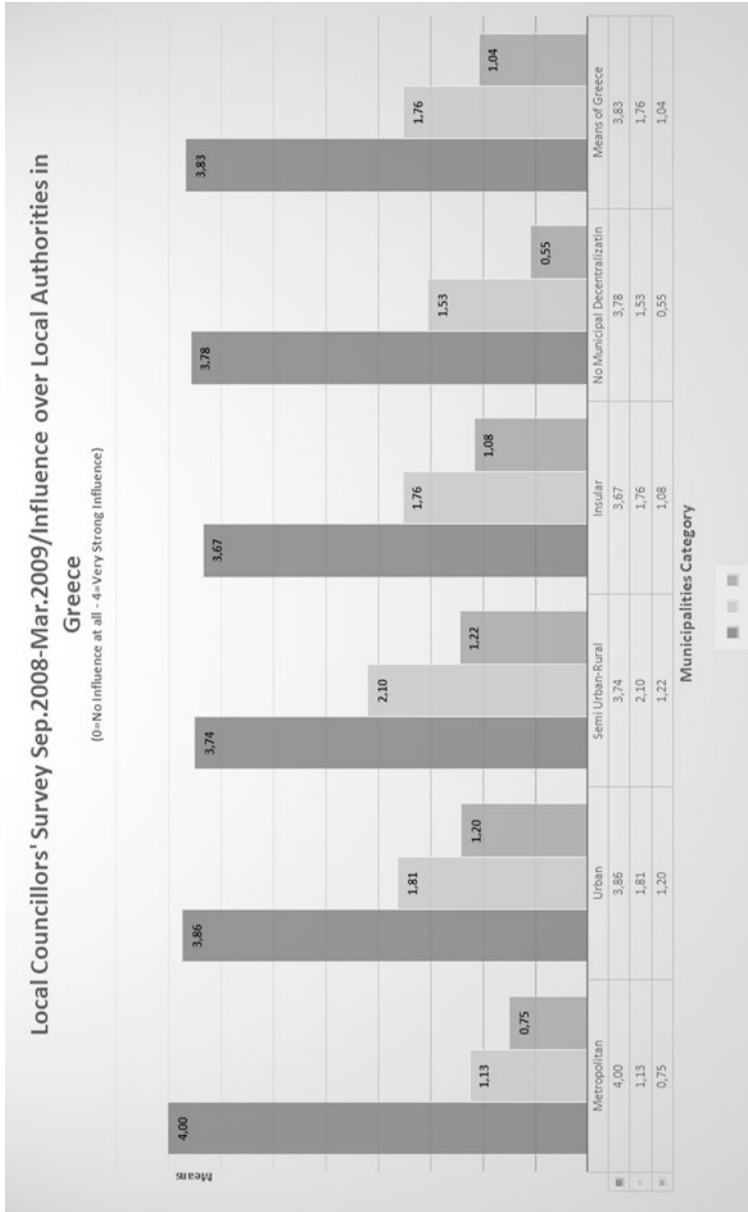


Fig. 6.2 MAELG Survey 2009—Influence of mayors, single influential councillors and decentralized bodies over the local authority activities. Source: MAELG Survey (Egner et al. 2013), own elaboration

bodies reached an average score of 1.04 that reflects “little influence” over local authority’s activities, compared to an average score of 2.50 that was given by the respondent mayors. Among various factors coming into question (e.g. disillusion following frustrating experiences with districts, boroughs and centralistic municipal leaders, competitive attitude of respondent councilors toward sub-municipal politicians, etc.), it seems possible that the abolition of double mandates reduced the influence of the sub-municipal level over local government activities (Katsoulis 2011: 6).

Municipal councils barely made use of the legal possibility to transfer by statute some additional tasks to the sub-municipal level (Katsoulis 2011: 6). Amalgamations in 1998 promoted professional, party-politicized politicians at the parent municipality level, who were reluctant to delegate powers to sub-municipal laymen politicians. These new ambitious mayors prioritized integrating different districts into a unitary municipality and concentrating power in their hands and resources in the parent municipality. After all, the new municipalities suffered from staff shortage, especially concerning high skilled and technical personnel: Only 212 out of 1034 municipalities could match standards of managerial capacity imposed by European Strategic Frameworks (Hlepas and Getimis 2011).

SCALE POLITICS ON THE EVE OF THE CRISIS: THE KALLIKRATIS REFORM

On the eve of the great crisis in Greece (2010–2017) the government announced an ambitious reform planned to put local government on track for efficiency. The Kallikratis law (Act 3852/2010) was finally issued shortly after the first bailout agreement (Ladi 2014), in spite of opponent voices demanding to withdraw reform plans in view of the precarious financial situation. Being much more comprehensive than the previous territorial reform “Kapodistrias” back in the late nineties, the Kallikratis reform affected all parts of the country (including metropolitan areas) and all tiers of local government as well as the deconcentrated state administration, while it combined territorial with functional re-scaling alongside with a mix of transparency rules, fiscal consolidation instruments and participatory institutions (Stolzenberg et al. 2016). At the first tier, the number of municipalities was reduced from 1034 to 325, while all former municipalities (including the ones already amalgamated back in 1998) were granted by law the legal status of sub-municipal “districts” which cannot be abolished by municipal statute. In this way, the number of SMUs increased considerably, compared to the pre-Kallikratis period:

Table 6.1 Numbers and average populations/areas of municipalities and districts before and after the territorial reforms

	<i>Before the territorial reforms: 1996</i>	<i>After the Kapodistrias territorial reform: 1999</i>	<i>After the Kallikratis territorial reform: 2011</i>
Big cities	3 (150,000 or more)	3 (150,000 or more)	8 (100,000 or more)
Average population	446,236	433,903	259,146
Average area km ²	23 km ²	23 km ²	16 km ²
Boroughs/districts in big cities	17	17	36
Average Population	78,747	76,571	57,588
Average Area km ²	4 km ²	4 km ²	3 km ²
Municipalities with SMUs (ex-municipalities)	— ^a	783	241 ^b
Average Population		10,394	29,342
Average Area km ²		150 km ²	531 km ²
Districts in Municipalities with SMUs	—	5824	6001
Average Population		1397	1178
Average Area km ²		20 km ²	21 km ²
Unitary (non-subdivided) Municipalities	5822	248	80
Average Population	1532 inh.	17,646	26,425
Average Area km ²	23 km ²	59 km ²	48 km ²
All Municipalities	5825	1034	325
Average Population	1761	10,057	33,277
Average Area	23 km ²	128 km ²	406 km ²

Source: National Statistics Authority, own elaboration

^aEven though some municipalities introduced “neighborhoods” with sub-municipal “neighborhood councils” during the eighties (taking advantage of pertinent provisions in Act 1270/1982, see above), these are not mentioned here, due to the lack of reliable data. Furthermore, most of these sub-municipal institutions had been abolished or de facto abandoned already during the eighties, mainly due to political, often party-internal conflicts with parent municipalities

^bAlso including big cities where areas of neighboring suburban or rural municipalities were amalgamated. This happened in four cases: Thessaloniki, Larissa, Heraklion, Patras (see footnote 4)

This table illustrates the relation between amalgamations and the introduction of sub-municipal institutions in Greece. While in 1996 SMUs existed only in three big cities with 17 borough councils, right after the Kapodistrias Reform, no less than 783 municipalities out of a total of 1031 (76%) included 5824 sub-municipal districts (an average of 7.4 districts per

municipality). Two-thirds of these districts voted for district councils while approximately one-third voted for district headmen. Next to 1034 mayors and 16,582 councilors, 16,129 persons were elected in boroughs and districts (Hlepas 2010: 241), many of them holding dual mandates both at the municipal and at the sub-municipal levels (up to the amendment of 2006, see above). After the Kallikratis reform, a percentage of unitary municipalities remained nearly stable (25%) while most of them are concentrated in metropolitan areas. Out of the sub-divided big cities (eight in total since 2006), four now additionally include further suburban or even rural districts which are former municipalities.⁴ Including these four big cities, 241 municipalities comprise 6001 districts (an average of no less than 25 districts per municipality). Next to 325 mayors and 9371 municipal councilors, 17,573 persons were elected in sub-municipal districts.

THE KALLIKRATIS DISTRICTS: A PROVISIONAL ARRANGEMENT OR A LONG-TERM SOLUTION?

Local Politics in Sub-divided Municipalities

The “Kallikratis” reformers were fully aware of the fact that territorial reforms create marginalization risks for peripheral ex-municipalities. Furthermore, they wanted to minimize eventual re-election agonies of incumbent politicians in municipalities undergoing mergers (Katsoulis 2011: 34) by taking measures that were expected to improve re-election chances of these local politicians. Therefore, territories of ex-municipalities merged through the Kallikratis program were now forming corresponding constituencies (“municipal units”) for the election of the municipal council, while the law also increased the total number of municipal councilors (see Table 6.2). The same is also applied in the big cities, where the territories of borough districts were now forming constituencies for municipal council elections, in order to strengthen the distinct voice of different boroughs and promote local embeddedness, selection and legitimacy of city councilors.⁵

In municipal elections, candidate lists are obliged to include local candidates for at least one-third of all districts. Act 1852/2010 launched two different types of sub-municipal districts: The first type was called “municipal community” (“demotiki kinotita”: 670 units all over Greece), existing in districts with more than 2000 inhabitants and electing district councils comprising 5–15 members (depending on the local population). The second type was called “local community” (“topiki kinotita”: 5.367 units in

Table 6.2 Municipal council seats before and after Kallikratis

<i>Municipality population</i>	<i>Council seats 2009</i>	<i>Council seats 2011</i>
0–2000	13	13
2001–5000	13	17
5001–10,000	17	21
10,001–30,000	17–21	27
30,001–60,000	21–27	33
60,001–100,000	27	41
100,001–150,000 (big cities)	33	45
Bigger (big cities)	41–45	49

Table 6.3 Sub-municipal districts' status and organs before and after Kallikratis

<i>Territory: Population: Status 2009</i>	<i>District or borough organs: Seats 2009</i>	<i>District population: Status 2011</i>	<i>District organs: Seats 2011</i>
Former communities: local districts	Head	<301: Local communities	Head
>501: Local districts	Council/3 seats	<2001: Local communities	Council: 3 seats
>2001: Local districts	Council/5 seats	<10,001: Municipal communities	Council: 5 seats
Bigger: Local districts	Council/7 seats	<50,001: Municipal communities	Council: 11 seats
Big cities: Boroughs	Council/15 seats	Bigger: Municipal communities	Council: 15 seats

total), existing in districts with 2000 or less inhabitants. Local communities with 300 or more inhabitants elect district councils comprising three members while smaller local communities only elect a local Head (see following Table 6.3):

Election mode is different in the two types of districts: While in municipal communities, seats in district councils are allocated according to election results at the municipal level (and following the same electoral system), in local communities seats are allocated according to local election results in the corresponding district, following a simple proportional system. While in municipal communities the Chairman of the district council is elected among and by the members of the district council for a 2.5-year term, in local communities, out of the winning list, it is the candidate councilor who obtains the biggest number of preference votes who is elected as Chairman of the district council for a full municipal term of

office (5 years). District council meetings take place at least once per month. In local communities, there is an open popular assembly meeting at least once a year, where the mayor and the municipal councilors are usually present. Chairmen and headmen of any type of sub-municipal district are invited to participate in sessions of the parent municipal council whenever the agenda includes issues particularly affecting their home districts. In such cases, district chairmen or headmen have the right to speak and vote in the parent municipal council (Act 3852/2010, art. 67 par. 8).

District politicians often complain about being unfairly treated as “second-class politicians” both by municipal leaders and professional administrators (Gligori and Margariti 2016). In reality, however, district influence over municipal authority decisions seems to be a complex equation with several different factors, such as population size, territorial proximity, party politics and inter-personal relations (Georgakopoulou 2013). Fragmentation at the sub-municipal level is certainly impeding gradual integration of districts into the new municipalities and the creation of a balanced relationship between the parent municipality and the sub-municipal districts: While sub-divided municipalities included, on average, 7.4 districts after the amalgamation reforms in 1999, this figure climbed up to no less than 25 districts per municipality after the Kallikratis amalgamations in 2011, dramatically increasing the complexity of local governance and politics in internally fragmented “double-decker” municipalities. Being under time pressure, Kallikratis reformers did not have sufficient time and political resources to also conduct a territorial reform at the sub-municipal level. Merging districts, however, especially in rural areas with declining population, could rationalize territorial delineation and encourage parent municipal councils to delegate additional responsibilities and resources.

Scope and Resources of Sub-municipal Units

The law enumerates certain duties and responsibilities of sub-municipal districts, while it also authorizes the municipal council to delegate at the beginning of its term of office additional responsibilities (by vote of the absolute majority of all councilors) to district councils and the mayor to delegate additional responsibilities to district Chairpersons or Heads.

The law does not give decision powers to local communities. Their councils formulate proposals about the management of municipal real estate, of pasture lands and forestry, while they also submit opinions about parking places, public markets and festivities, furthermore about urban

planning and urban regeneration in their district and, last but not least, about the provision of social assistance to persons in need. Councils of local communities also draft the district budget, within margins set for each district by municipal council decision (Art. 86, Act 3852/2010). District chairpersons or heads of local community councils manage separate imprest accounts, since they are responsible for the supervision of public infrastructure in their districts (municipal roads' network, street lighting, playgrounds, etc.) and furthermore for the repair of minor damages thereof or of the water and sewage networks. District chairpersons or heads manage the local cemeteries, organize local resources needed for natural disaster management and are in charge of the voluntary fire brigade.

Municipal communities have the same responsibilities as local communities, and also some additional ones, which include some (shared) decision powers: Councils of municipal communities provide (or reject) pre-approvals for shops and small businesses and undertake initiatives for environmental and public health policies in cooperation with the parent municipality. In these bigger districts (over 2000 inh.) and in the even bigger districts in big cities (see Table 6.1) where "municipal communities" are established, the law does not provide exclusive decision powers (even the pre-approvals for shops are a first step for final approval by the parent municipality) to district councils and district chairpersons.

Parent municipalities seem to restrain from delegating additional powers to districts: There is no country-wide survey about such delegations, but protests by sub-municipal districts' associations,⁶ as well as web research and some empirical case studies (Gligori and Margariti 2016) indicate that delegation of decision powers to district councils is very rare, even in big cities or municipalities with wide areas, while delegation of some routine tasks (issue of certificates, etc.) to district chairpersons and heads is a common practice. District budgets in total never exceed 0.5% of municipal budget, even in municipalities with more than 30 districts, while district services seem to communicate more frequently with the parent municipality, than with the corresponding District Chairperson or Council members (Gligori and Margariti 2016). A kind of "intra-municipal centralism" seems to prevail in nearly all "double-decker" municipalities, which is no surprise, considering the long-lasting tradition of the concentration of power in the hands of the majority and especially in the hands of the mayor and his/her inner circle. There are no considerable intra-municipal counterweights that could balance this traditional mayoral dominance, since the opposition does not occupy more than 2/5 of the council seats, while the CEO and

the municipal administration are subordinated to the mayor (Hlepas 2010: 241, 242). Therefore, municipal leaderships are not used to sharing power in the municipality and remain steadily reluctant to delegate authority and decision powers to sub-municipal districts. Mayors usually prefer to delegate powers to vice-mayors, who are majority councilors selected by the mayor and sometimes exercising territorially defined tasks in one or more “municipal units” (voting constituencies, see above) which sometimes comprise several sub-municipal districts. In this way, the municipal executive can be territorially sub-divided into vice-mayors (in each municipal unit) and district chairpersons or heads (in each district).

CONCLUSION

Sub municipal governance in Greece did not manage to offer considerably more than symbolisms and identity politics. Both in the big cities (where pressing practical needs would rather favor intra-municipal decentralization) and in municipalities created through amalgamations, municipal leaders are obviously not willing to move toward a less centralistic and more balanced exercise of power and decision-making. They seem to follow Schumpeter’s (1943) argument that widespread popular participation and multi-level decision-making would be impractical in modern society and even destabilize democratic political systems. Therefore, delegation of decision powers and transfer of considerable resources to SMUs are rare phenomena. Disillusion of district citizens is already visible, both in the big cities where ongoing segregation creates new kinds of intra-municipal cleavages and in semi-urban and rural municipalities with wide areas, where local communities are increasingly feeling neglected by the parent municipality. The lack of meaningful representation is already leading to visible disintegration in many cases and to restrain from local politics.

Sub-municipal decentralization cannot, however, be abandoned, both in the big cities and in the municipalities including wide areas and many different settlements. Therefore, law amendments would be necessary, in order to further decentralize decision powers and resources to the sub-municipal level. To this end, a territorial consolidation of the sub-municipal level would be necessary in many cases, since it is not practical to deal with the complexity created by 25 (the national average) or even more districts in one municipality. In some big cities (e.g. in Athens or Thessaloniki), on the contrary, fragmentation of the sub-municipal level should be considered, since districts are often too big and usually disregard historical neighborhood boundaries within the cities.

In February 2017 a government committee presented some new proposals for the amendment of the legal framework, the introduction of a proportional election system in municipalities and a territorial reform at the sub-municipal level which would be combined with decentralization of powers and resources. Since the first reactions of municipal associations to these proposals were far from being positive, it is an open question whether the intra-municipal architecture of politics will undergo a radical reform in the next months. If this does not succeed, sub-municipal governance will remain in the shadow of the parent municipality.

NOTES

1. <http://www.atlasofeuropeanvalues.eu/new/europa.php?ids=2531&year=2008>.
2. In the POLLEADER questionnaire it was Question no. 11: “On the basis of your experience as a Mayor in this City, and independently from the formal procedures, please indicate how influential each of the following actors are over the Local Authority activities”. Among the variables, the ones we chose were: v.126 “the mayor”, v.131 “single influential councilors” and v.141 “quarter decentralized bodies”.
3. In the MAELG questionnaire it was Question no. 5: “On the basis of your experience as a local councilor in you municipality, and independently from the formal procedures, please indicate how influential each of the following actors is over the local authority activities”. Among the variables, the ones we have chosen were: v.26 “the mayor”, v.3 “single influential councilors” and v.43 “Neighborhood or decentralized bodies”. The (ordinal) scale began with the score 0 (“no influence”) and continued with 1 (“Little Influence”), 2 (“Some Influence”), 3 (“High Influence”) and 4 (“Very High Influence”).
4. In *Thessaloniki*, one suburban district (former municipality Triandria) was added in 2011 to the already existing five municipal boroughs/districts, while in *Larisa* no less than 13 suburban and/or rural districts (former municipalities) were added to the already existing four municipal boroughs/districts, in *Herakleion* four suburban/rural districts were added to the already existing four municipal boroughs/districts and, finally, in *Patras* four suburban/rural districts were added to the already existing four municipal boroughs/districts.
5. This was abolished for big cities shortly before the municipal elections of 2014 by Act 4251/2014 (Art. 146) concerning the territories of ex-boroughs (now districts) in the parent municipalities of big cities. In the four big cities (see previous footnote) where suburban/rural municipalities had

been incorporated, territories of ex-municipalities kept on being distinct constituencies for the election of municipal councilors, while the territory of the parent municipality in the big city became, once more, a unitary constituency. This amendment introduced a differentiation between “old” and “new” districts in these big cities that demonstrated respect for local identities in former municipalities, while it re-introduced the unitary, one-and-only constituency in the parent big city. In core cities, mayors and parties seemed to prefer a big constituency, instead of complex loyalties and representation needs under the pressing circumstances of dramatically increasing social segregations in the times of crisis. Therefore, several influential politicians of big cities had successfully lobbied for this amendment.

6. The main association is the “Union of Chairpersons in Municipal and Local Communities”: <https://enosiproedrondtk.wordpress.com/>.

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Nikos Hlepas is an associate professor at the Faculty of Political Science and Public Administration, National and Kapodistrian University of Athens. He is working since many years on local government studies and public law. He is an ordinary member of the Group of Independent Experts at the Congress of Local and Regional Authorities at the Council of Europe. He was the president of the National Centre for Public Administration and Local Government (EKDDA) in Greece.

Sub-municipal Arrangements in Norway: District System in Oslo

Jan Erling Klausen

INTRODUCTION

In the Norwegian local government sector, internal political and administrative delegation had its heyday from the late 1980s to the early 1990s. Today however, Oslo is the only city in Norway where a wide range of tasks and functions are decentralized to sub-municipal units (SMUs) headed by a local political body. While Oslo's district system has proved its viability by remaining in place through almost three decades, the aim of boosting democratic participation and political involvement through establishing sub-municipal political arenas remains elusive.

The population of Oslo, Norway's capital, is 658,390, making it by far Norway's largest city.¹ Oslo has a parliamentary system. The city government is the executive and relies on the support of a majority coalition in the elected city council. Oslo is Norway's only county-exempt city and is consequently responsible for the full range of tasks otherwise allocated to county governments and local governments, respectively. Most local government tasks are decentralized to 15 districts. An elected district council

J.E. Klausen (✉)

Department of Political Science, University of Oslo, Oslo, Norway

heads each district. The district system is a key feature of Oslo's system of governance, not least because of the very substantial volume of decentralized tasks. Overall, 53.2% of Oslo's net running expenditures, approximately €2298 million, is allocated to the districts.² The high share of decentralized tasks in combination with local political representation makes the district system in Oslo an interesting case of SMUs.

Norway's local government system was established in 1837. It comprises 428 primary municipalities and 18 county municipalities, in addition to Oslo.³ Norway belongs to the "North and Middle European" group of local government systems (Hesse 1990) and is, as such, characterized by a strong constitutional status of local governments in combination with a strong functional role for local governments. Not least due to the universalistic nature of Norway's "social democratic" welfare regime (Esping-Andersen 1990), most local government tasks are mandatory by law. Service provision is, furthermore, subject to extensive legal regulation and supervision by the central government, gradually transforming the local governments into agents of the state (Goldsmith and Page 2010, 255), at least regarding welfare service provision. Most tasks decentralized to the districts in Oslo are subject to such regulations.

The average population of Oslo's districts is 43,893—far more than the average local government in Norway (12181).⁴ In fact, only 18 local governments are more populous.

THE DISTRICT SYSTEM IN A HISTORICAL AND GEOGRAPHICAL CONTEXT

A Reform to Vitalize Democracy and Improve Coordination

Oslo originally established a district system in 1973 (Klausen 2004). This system had a purely consultative function and no role in service provision. Political competencies were very limited. The district system was established to relieve the city council of minor decisions of a purely local nature, while simultaneously vitalizing local-level democracy and making public services more user-friendly (Lund 2000). These aims were not achieved, since the district councils became increasingly marginalized and popular interest was very low. A system of administrative decentralization to health- and social-service districts originally established in 1966 existed in parallel with the consultative district system, but the district councils had

no authority over, or formal affiliation with, the health- and social-service districts. In 1987 however, following a pilot project in four districts, it was decided to merge the two systems by implementing a reform that entailed broad-scale decentralization of services to a new system of 25 districts. The reform was implemented in 1988. The new district councils were put in charge of all services that had previously been provided by the health- and social-service districts, as well as a range of additional services. A separate administration was established for each district, and the district councils were granted quite extensive political autonomy. Notably, the use of framework budgeting and decentralized budgetary powers meant that the district councils could allocate funds between the different branches of services. They were also made responsible for balancing the budget and for implementing cutbacks if necessary.

The district reform was seen as a major success for several reasons. The City of Oslo had severe financial problems in the 1980s, and the district reform received credit for balancing the city's budget. Furthermore, decentralization was seen as successful because it improved coordination of different local-level services, by dissolving what were commonly regarded as monolithic and inflexible bureaucratic structures on the city level. However, aims pertaining to democratic revitalization had largely failed to materialize (Røiseland 1991). The district council members had, since the reform, been appointed by the city council according to the party composition in the city council. A pilot project involving local elections for district councils in four districts was conducted concurrent with local and regional elections in 1995 and 1999. Although the assessment of this pilot project did not provide very clear-cut evidence of democratic vitalization (Hagen et al. 1998; Klausen et al. 2002), it was decided to implement elections for all district councils starting in 2003. In 2004, the number of districts was reduced from 25 to 15. Since the 2004 reform, a few adjustments have been made in decentralized services, but the system has essentially been retained.

The 1988 reform was triggered by a felt need to counter tendencies of bureaucratization and inflexibility in Oslo's very large city administration, while also vitalizing political participation and improving service coordination to citizens—not least by being able to create improved cohesion between related services such as childcare, kindergartens, and various child and youth measures. In addition, Oslo's economic straits provided the necessary impetus for reform. That two parallel systems of consultative

and administrative decentralization co-existed in advance must have facilitated the reform.

The Local Government Act of 1991 stipulates that municipal councils are free to implement district systems, to decide what tasks to delegate to districts, and to delegate powers of decision-making to districts' political councils to the extent that other laws do not preclude delegation (§ 12). Furthermore, § 12.2 allows municipalities to call elections for districts' political councils. Consequently, municipalities enjoy extensive statutory discretion in establishing, reconfiguring, and terminating district systems. Because district systems are parts of the municipal organization, there are no guarantees or legal safeguards against their abolishment.

SMU in Scandinavia—A Passing Trend?

In the late 1980s and early 1990s, most of the largest cities in Norway, Sweden, and to some extent Denmark implemented SMU systems or ran pilot projects involving a limited number of districts (Bäck et al. 2005). While a pilot project in Copenhagen was terminated following a referendum in 2000 (Klausen 2002), the district systems in Stockholm, Gothenburg, and Malmö have been retained. The Oslo reform was followed by a similar reform in Bergen, Norway's second city, in 2000, but this district system was abolished after a few years. Pilot projects in Trondheim and Stavanger were discontinued (Klausen and Opedal 1999). While a substantial number of local governments in Norway have historically used local consultative bodies (Hanssen et al. 2013), administrative decentralization is becoming increasingly rare. Currently, only 9.4% of municipalities use the principle of territorial specialization for organizing any branch of service provision—a distinct reduction since 2000, when the corresponding share was 36.7% (Monkerud et al. 2016). Oslo's government is the only local government where political delegation and administrative decentralization are combined.

LOCAL DEMOCRACY IN A MULTI-LEVEL CONTEXT

Who Governs—Elected Representatives or Managers?

Each district is headed by an elected council consisting of 15 members. Elections are held every four years, concurrent with local government elections but using distinct local lists. Candidates on each district list are

nominated by political parties, normally by local party groups. All council members are party representatives. Political opinion diverges sharply between districts, and so the party composition of the 15 district councils is also highly divergent.

The district council decides the annual district budget, on the basis of a proposal from the district director. There is an executive committee in each district council, as well as a varying number of functionally defined committees. The district council is responsible for balancing the budget, ensuring that the budget is not overdrawn during the year, and for supervising all branches of service provision. The council normally meets about once every month.

Probably the most important horizontal steering and power game at the district level is that between the district council and the Chief Officer—the most prominent leadership roles at the “apex” of district politics (Mouritzen and Svava 2002). The Chief Officers are full-time employees and generally quite experienced bureaucratic leaders. A district council member notes that it is highly challenging for district-level representatives to attain levels of knowledge and competence (and indeed even of confidence) to match those of the Chief Officer.⁵ Consequently, not all district councils manage to gain the upper hand and to retain actual leadership of the affairs of the district to the same extent. One district council leader has made a habit of demanding a two-hour weekly meeting with the Chief Officer, to go through all current issues. Other council leaders do not even have designated office space, and sometimes it is the Chief Officer who prepares the agenda for the district council. Personality traits, personal relations, and highly varying political skills seem to play a large role in determining the balance of power between the district council and the Chief Officer.

Arenas for Direct Democracy

Each district decides on measures to facilitate citizens’ participation. Meetings in the district council regularly start with the “open half hour.” This arrangement allows citizens to raise issues and ask questions to district council representatives. District council members are presented individually, with their contact details, on the district websites, and citizens are encouraged to get in touch.

Furthermore, districts commonly involve citizens and representatives of local civil society in developing strategic plans. Each district has one to

eight such plans⁶ covering a variety of issues including, voluntarism, domestic violence, social exclusion of youth, people with disabilities, psychic health, public health, habitation, and protection against contagious diseases. Many methods are used for facilitating involvement of citizens, users, and next of kin in the planning work, either individually or through local NGOs. Such methods include hearings, survey questionnaires, interviews, reference groups, stakeholder seminars, and meetings. Civil society is highly organized in Norway, providing districts a very broad interface with organized user/next-of-kin groups, neighborhood associations, religious congregations, ethnic groups, sports clubs, and so forth.

Representative councils for the elderly and for the disabled, respectively, are mandatory by law for all local governments in Norway. Many local governments also organize a representative council for youth. In Oslo, districts are obliged to organize local councils for the elderly, for the disabled, and for youth, respectively.⁷ The districts are free to organize additional representative councils.

Particular attention is taken to facilitate participation in planning and development. Civil-society representatives regularly participate in area-based development/regeneration plans (Hanssen and Klausen 2006; Hanssen et al. 2006). Two districts have published an interactive map allowing citizens to register biking routes and add comments about how these routes work.⁸ “Child walks” is a method for gathering inputs from children about their perceptions of qualities and hazards in areas they commonly go.

Citizens’ participation at district level was measured by means of a bi-annual phone-based survey to randomized samples of voters in 1995–2001 (Hagen et al. 1998; Klausen et al. 2002; Klausen 2004).⁹ Using a standardized setup, these surveys measured developments in popular knowledge about district politics, various forms of direct participation, and attitudes concerning the legitimacy and accountability of the representative system in districts. For selected results, see Table 7.1.

The results indicate that citizens are quite knowledgeable about district services, and about 33% think districts are important politically. However, political participation is modest, and self-assessments of political efficacy and assessments of the district council members’ responsiveness are generally quite negative. That pilot elections were held for district council in four districts did not seem to make much difference, except for boosting somewhat the public profile of individual representatives.

Table 7.1 Popular knowledge, participation, and attitudes toward district politics: 2001, percentages

	Pilot (%)	Other (%)
Knowledge		
<i>What is the name of the most important political body at district level?</i>	29.8	32.2
<i>Do you know local politicians in your district by name?^a</i>	17	9.2
<i>What services are provided by the districts?^b</i>	48.3	52.2
Participation ^c		
<i>Have you contacted a member of the district council regarding a political issue during the last two years?</i>	7	7.4
<i>Have you attended an open meeting in the district council during the last two years?</i>	5.3	5.5
<i>Have you signed a petition to further a particular political issue during the last two years?</i>	26.5	30.2
Attitudes ^d		
<i>How important would you say that decisions in the district council are for inhabitants in the district?</i>	32.7	31.3
<i>Would you say that the political composition of the district council is significant?</i>	35.3	34.6
<i>How would you assess your ability to affect district policies?</i>	7.1	7.1
<i>Is it your impression that district council representatives are attentive to the views of inhabitants in the district?</i>	16.5	16.6
<i>How do you assess your ability to keep informed about current issues in the district council?</i>	28.8	26.1

Citizens of four pilot districts (elected councils, $N = 400$), other districts ($N = 800$)

Source: Klausen et al. (2002)

^aAble to identify at least one district council member

^bCorrect identification of at least two services

^cShare affirmative

^dShare high/positive value on a scale of three (positive—indifferent—negative)

The current city government recently acknowledged that there is too little public debate about decisions made in district councils (OCG 2015, 5). According to the city government, district councils *to a small extent function as arenas for local democracy*, because of tight budgets and very limited room for maneuver (p. 11). A stated aim for the city government is to strengthen district councils as political arenas, by expanding district councils' budgets.

A district council leader notes that representatives of local NGOs are particularly attentive to district-level policy issues. Local NGO representatives

are often in the majority at open meetings, and they quite frequently get in touch concerning current issues. A local area newspaper is seen as a very important channel for communicating with the local community. Such newspapers exist in only some parts of Oslo, and districts that lack their own local news media must rely on other methods for gaining the public's attention.

Based on the figures presented in Table 7.1, popular engagement in district politics appears more modest than participation in local politics in regular local governments. A recent study of a representative sample of Norwegian voters found that approximately 32% had signed a petition, 25% had made contact with a local representative, and 16% had attended rallies or protest meetings (Winsvold et al. 2017). Also 9.8% had attended a regular council meeting. Viable explanations for deficiencies in interest for district politics can be sought in the literature. Political participation is by definition attempts "to influence either directly or indirectly political choices at the various levels of the political system" (Kaase et al. 1979, 42), but expressive motives have been found to constitute an alternative motivation to the purely instrumental (Fiorina 1976). An interesting finding is, furthermore, that cultural identity—the sense of belonging—affects people's propensity to participate (Lambi 2010, 72). The degree to which such varying motives translates into actually participation is seen by some as a function of the person's sense of *political efficacy*—the perceived ability to make a difference (Verba et al. 1995). While *external* efficacy denotes the belief in the responsiveness of elected representatives, *internal* efficacy is to do with perceptions about one's own ability to understand politics and to be able to make a difference—in other words, political self-consciousness.

As for the instrumental motive, one might assume that district councils are regarded as less important than regular local councils, because the City Council is perceived as the predominant political force in Oslo. Perhaps attempts at influencing district politics are regarded as futile, because everything is decided by the City Council anyway. Alternatively, participation in district politics could be seen as a less attractive venue for expressive participation, possibly due to their modest, low-visibility status, in the shadow of political life in City hall. Perceived invisibility could also translate into perceptions of low external efficacy—a sense of unresponsiveness. As for "identity" argument, it should be noted that urbanites tend to move a lot between districts (Helgesen et al. 2001). This could negatively affect cultural identity as a driver for participation.

As for internal political efficacy, this has been found to covary with political resources. As will be shown in the following section, Oslo is a city of

dramatic socio-economic differences between the districts, and one would assume that internal efficacy is a lot higher in some districts than in others. The districts could provide a fruitful venue for future research on the relationship between political resources, internal efficacy, and participation.

Oslo—A Divided City

While Norway is the second most egalitarian OECD country in terms of income distribution,¹⁰ Oslo is the second *least* egalitarian municipality in the country.¹¹ Oslo is a city of dramatic socio-economic differences, and political opinion in the districts diverges along the same lines. A key argument for elected district councils was to enable correspondence between district policies and local opinion.

Figure 7.1 illustrates the current situation. Private fortunes range from €149,300 pro capita in Vestre Aker district, to €53,500 in Stovner—the poorest district in this respect. There are about three times as many recipients

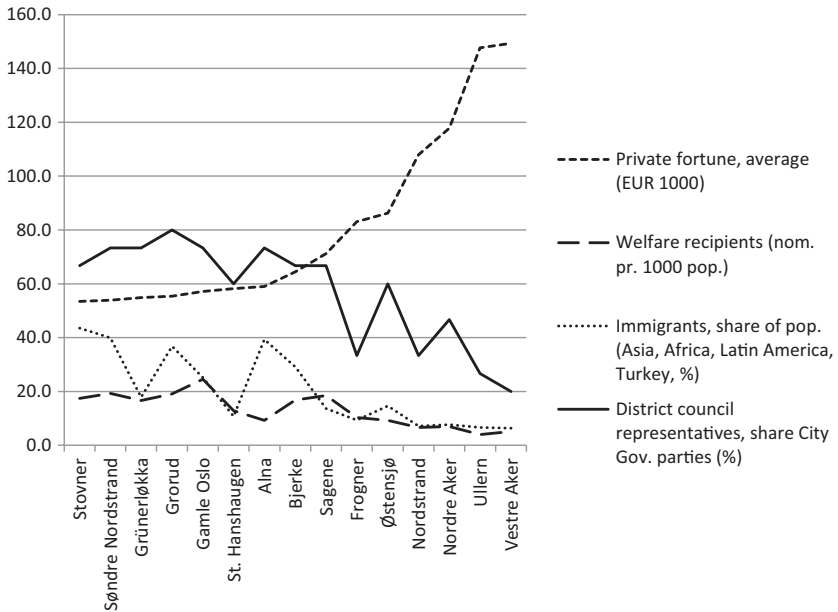


Fig. 7.1 Social and political divides in Oslo. Source: Statistics Norway, Oslo City Government statistics (2015)¹²

of economic social aid, relative to the population, in Stovner compared to Vestre Aker. Immigrants from Asia, Africa, Latin America, and Turkey comprise 43.5% of the population in Stovner—as compared to just 6.4% in Vestre Aker. A recent study even found that life expectancy at birth varies between the districts with as much as nine years (Berntsen 2013).

Political opinion is just as sharply divided and seem to be aligned with socio-economic variations. Note the solid line in Fig. 7.1; it denotes the share of the 15 elected members in each district council who represent the three coalition parties in city government—Labor, the Socialist Left, and the Green Party—and the supporting party, The Red Party. This share varies between 20% in Vestre Aker district and 80% in Grorud.

Variations in local government election turnout follow much of the same pattern. In Vestre Aker, turnout was 75.5% in 2015—in Stovner, 53.9%. It seems feasible that interest in district-level democracy varies along the same lines, but in the absence of updated empirical evidence, this is difficult to establish.

Multi-level Politics: Consultative and Non-interventionist

There is no formal rule that bars a member of the city council from being a member of a district council as well. However, the established practice—a practice upheld with very few exceptions—is to avoid this. The district councils clearly constitute a recruitment pool for city council representatives, but whether such a political career path is typical has not been established.

District politicians have no regular, institutionalized speaking or voting rights at the municipal level. District council members are, however, called upon to participate in city-level political planning processes with a territorial scope that includes their particular districts, notably processes to do with planning, and urban regeneration. In addition to district councils' consultative function, leaders or other individual members of district councils may be invited to participate in meetings in city council committees, notably in the city council's Standing Committee on Urban Development, or to participate in temporary committees set up in conjunction with such area-based city-level planning and regeneration processes (see for instance Hanssen and Klausen 2006). Overall, although district councils are not vested with delegated authority in planning issues, they tend to be involved quite extensively in area-based planning. A district council leader observes, however, that district councils are rarely if

ever involved in city-level policymaking processes to do with welfare services.

The strongest political link between city and district levels is probably the party channel. Currently, Oslo's city council is composed of representatives from eight political parties. In addition to the city-level party organizations, there are local party groups in the districts. The current number of such groups is unknown, but in 2000 there were 149 district-level party organizations in the (then) 25 districts (Klausen et al. 2002, 66). Because elected representatives on city and district levels are nominated by the same political parties, the parties provide several arenas for informal interaction. There are also organized fora for cross-level political interaction, but the form and the extent of such organized interaction are unknown. Informants said a standing group for political exchange organized by the Labor Party, the "BU Forum," has been discontinued.

The city council has set up no procedures to provide citizens with participatory rights in political processes at city level, in the capacity of being citizens of a particular district. The area-based consultative function is carried out by the district council. There are however legally mandated procedures for direct citizen involvement in city-level politics that are wholly unrelated to the district system. The Citizen's Initiative (Klausen and Winsvold 2012) entitles citizens to demand that a petition be considered by the city council, provided a required number of signatures are submitted. Such petitions may be addressed to the city council or to a district council. The Planning and Building Act provides individual citizens with participatory rights as well. In addition, various mechanisms enable user involvement in service provision, such as user boards.

According to the regulations,¹³ decisions made in a district council may be overturned only by the city council following an appeal. The Chief Officer is obliged to submit an appeal in cases where the district council has made a decision in breach of current legislation, regulations, or "the city's general policy directives."¹⁴ Such appeals are rarely submitted. During the first 14 years of the district system, 1988–2001, only 17 appeals were submitted (Klausen 2004, 161).

The districts are supervised by the city government. The districts submit budgets, annual reports, and other reports for scrutiny by the relevant city government departments, notably the Department of Finance. That the city government employs Chief Officers constitutes a powerful mechanism for oversight and administrative control.

Overall, from a political perspective, interaction between districts and the municipal level is predominantly informal and/or consultative. Direct political intervention from the city council is rare, hardly any members of a district council are also members of the city council, and few if any permanent bodies or formalized procedures exist for cross-level political interaction. Political parties, however, are a channel for interaction between elected representatives at both levels. The consultative function of district councils seems especially prominent in territorial issues, including planning and area development.

On the administrative level, ties are closer. The direct link (by employment) between the Chief Officer in each district and the city government, in combination with the extensive reporting system and the fact that districts purchase services and rent offices from central-level authorities, contributes to considerable administrative integration across levels.

BROAD SCOPE BUT LIMITED AUTONOMY

Tasks and Authority

The task portfolio of districts corresponds roughly, with some notable exceptions, to portfolios of local governments in Norway. Most services and functions are mandatory by law for all municipalities. Mandatory tasks are delegated to districts by the city council, pursuant to 10 laws: Municipal Health- and Care Act, Public Health Act, Social Services Act, Patient- and User Rights Act, Childcare Act, Introduction and Language Learning for Newly Arrived Immigrants Act, Mental Health Act, Contagious Disease Act, Tobacco Harm Act, and Kindergarten Act. There is, furthermore, a range of tasks delegated by the City Council that are not mandatory by law. The districts' mandate is negatively delimited; so, they are allowed to take on activities on their own initiative.

For budgetary purposes, the district portfolio of delegated (mandatory) tasks is divided into five functionally defined groups. These tasks are summarized in Table 7.2.

Districts are fully responsible for carrying out these tasks and functions in accordance with provisions in laws and regulations. These legal provisions delimit the districts' degree of discretion in several ways, but it is difficult to summarize the degree of local autonomy across the quite broad range of tasks and functions. A general observation is that legal mandates vary a lot on several dimensions. While some laws provide legal entitlements

Table 7.2 District services

<p>Functional area 1: Health, social services, and locality</p> <ul style="list-style-type: none"> • Environmental measures, nature protection • Environmental health • Commissioned doctors and physiotherapy • Mental health • Social centers • Dwelling services • Rehabilitation • Culture <p>Functional area 2a: Kindergartens</p> <ul style="list-style-type: none"> • Kindergartens • Pedagogic team for preschoolers <p>Functional area 2b: Upbringing</p> <ul style="list-style-type: none"> • Leisure-/youth-related activities • Health station • School health service • Family center • Childcare services 	<p>Functional area 3: Nursing and care services</p> <ul style="list-style-type: none"> • Day centers/senior centers for elderly and disabled • Home-care services • Institutionalized care services • Sheltered housing • Relief services for next of kin • Other services for disabled <p>Functional area 4: Economic social care</p> <ul style="list-style-type: none"> • Economic social care • Qualification program
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Source: Annual Report 2015, Østensjø District 2015

to individuals, the predominant picture is one of general and collective entitlements. For instance, the Municipal Health- and Care Act of 2011 obligates municipalities to provide “necessary services” to “all patients and user groups,” including services in schools, health stations, and homes. Overall, 36 different central regulations are mandated by the Municipal Health- and Care Act alone.¹⁵ These regulations commonly include specific provisions on a broad range of procedural and substantive issues, such as the contents of the service, the composition and competence of staff, rights and duties of individual users, procedures for allocation of services to individuals, and the right to issue tariffs.¹⁶ Although such detailed provisions obviously delimit discretion quite severely, local governments enjoy substantial discretion in allocating services to individual users. For instance, districts decide if a senior citizen should be given room in an institution with 24-hour care, in a municipal dwelling with access to services, or a specified amount of services provided in his or her own home. In other branches of local government services, the nature and amount of detailed legal regulation could be quite different.

In addition to legal delimitations on discretion, the city government issues a number of goals and standards pertaining to individual services. Many of these goals and standards are communicated through the annual budget. For instance, a stated goal for 2016 is that 70% of families with newly born children should be visited in their homes by health service personnel no later than 14 days after the birth. Childcare services are required to intensify their cooperation with minority-group organizations to enhance the service's legitimacy. For example, 95% of applications for economic social support should be decided in no more than two weeks. Furthermore, city council committees make binding decisions every year on specific aspects of delegated tasks and functions. These are summarized in the city government's budget proposal. For instance, in 2016 all health stations were required to carry out certain health controls.

The most important local government service not delegated to districts is primary education. The Education Agency provides this service. Furthermore, although districts decide on allocation to individual users of institutionalized care services, and pay for each user, these institutions are not actually run by districts but by the Nursing Home Agency. Importantly, the districts' capital budgets include only minor items.¹⁷ Infrastructure, buildings, and facilities are hired from city government agencies. District councils do not exert delegated planning authority, but serve as consultative functions.

Block Grants and Budgetary Discretion

There is no district-level taxation, but districts collect user fees for certain services. In 2016, the total budget for the districts equaled €2298.2 million,¹⁸ a 53.2% share of Oslo's operating budget.¹⁹

The districts are funded mainly by block grants, decided by the city council. The allocation to each district is determined by a sophisticated system, using socio-demographic statistics. For each of the five functional areas (see Table 7.1), there is a set of weighted criteria. These criteria have been set to reflect the relative need for services in the districts, and the use of annually updated statistics ensures that socio-demographic change patterns are considered.

For instance, block grants in functional area 4, economic social care, are allocated using seven weighted criteria: share of single caretakers, share of non-married persons 20–49 years old, share of non-Western low-income households, share of municipal rented homes, and three interactional

variables. The system of weighted criteria allocates 87% of districts' total expenditures.²⁰ The additional amount comprises mainly of a number of grants for particular purposes, some of which are central government funds.

There are a number of relatively small earmarked grants as well. Earmarked grants totaled approximately €57 million in 2016, corresponding to about 2.5% of the total budget.²¹ Earmarked grants are used in case of emergencies such as the refugee crisis, for which a grant of €17.6 million was for the settlement of refugees. Other grants are for funding projects such as increasing language skills for preschoolers, implementing welfare technology, and trialing new measures to decrease the use of economic social aid.

Each district council decides its own annual budget. Although district councils are informed about nominal allocations from each of the functional areas, they can re-allocate funds between these areas. In reality however, budgetary discretion is delimited because most of the funds are used for salaries and other expenses that are little changed from one year to another.

District Administrations—A Double Chain of Command

Districts employ 20,975 people in all, 41.9% of Oslo City Government's employees.²² Districts decide on their own organization. Accordingly, the organizational structure of each district administration varies substantially. Each district administration is led by a district director, accountable to the district council for all tasks and services performed by the district. The district directors are, however, employed by the city government and supervised by the Department for Health and Social Services. There is, in other words, a double chain of command that facilitates city government supervision of the district administration. But the district director is obliged to implement decisions in the district council, and such decisions can be overturned only by the city council—not by the city government and its departments, nor by the district director.

Human resource management is the prerogative of district directors. The Chief Officer is delegated to hire personnel. There are citywide regulations for salaries and other particulars related to human resource management, but the Chief Officer largely decides how administrative functions are organized.

Some municipal single-purpose entities that operate on the district level are variously accountable to district authorities. District councils supervise all private and public kindergartens operating in their respective districts.

A DECENTRALIZED MANAGEMENT FOR ALL SEASONS?

Oslo's 15 districts are not dissimilar to regular local governments in Norway and elsewhere in Northern Europe. They are multi-purpose territorial jurisdictions, with a strong functional status because of extensive delegation of tasks and functions from city-level authorities. They are also characterized by considerable local autonomy, since powers of political decision-making have been delegated to districts' elected councils. As such, they constitute arenas for democratic politics on the sub-municipal level. They also serve a consultative function, with an aim of improving the local dimension of city-level policymaking.

The primary difference between Oslo's districts and regular local governments, however, is that the district system may be fundamentally rearranged or even terminated by the Oslo City Council. Consequently, the continued viability of the district system relies on political perceptions in the city council and in the city government, concerning how well the decentralized system is working. From the perspective of city hall, three aspects of the way the district system works seem particularly relevant for shaping the overall political assessment of the decentralized system.

First, a *functional* assessment criterion is to ask if decentralization is perceived as an effective and otherwise desirable way of organizing service provision and task fulfillment. As noted, a major aim of the district reform was to improve local coordination between monolithic and inflexible city-level agencies. From this perspective, the district system was given a very positive evaluation from early on, and evidence is sparse of any widespread political sentiment in favor of re-centralization. On the other hand, further decentralization does not seem to be on the agenda either. Notably, primary education will probably remain a responsibility of city-level authorities, as will ownership and management of nursing homes.

Second, a *democratic* assessment criterion relates to districts' ability to vitalize democratic engagement among citizens and to develop districts as vibrant arenas for localized policy processes—all stated aims of the district reform in 1988. Repeated assessments indicate that this aim has never been fully achieved, and as noted, the current city government has conceded that the democratic vitality of districts is underdeveloped. Yet that

the district system has survived nearly three decades despite consistently negative democratic assessments suggests that this criterion is in fact less essential than other criteria.

A third assessment criterion relates to districts' performance in Oslo's system of *multi-level governance*. District councils were originally appointed by the City Council, and the introduction of district-level elections was controversial in part because of fears of political conflict between the two levels—especially involving district councils with a different composition from that of the City Council. These fears were, however, soon assuaged (Klausen 2004). Even in tight financial circumstances, there have been very few breaches of budgetary discipline. The district reform was from early on regarded as an unmitigated success not least because of its perceived contribution to improving Oslo's financial control. A common opinion in City Hall is that this third assessment criterion is probably the most decisive one.

The criteria-based system for budgetary allocation is a noteworthy and innovative tool for avoiding multi-level political conflict and for facilitating overall budgetary control. The system has several virtues. Annual budgetary decisions in the City Council are greatly facilitated, because there is no need to decide the allocation to each district. The system provides the City Council with a very convenient mechanism for balancing the municipal budget, while also ensuring quite precise correspondence between local service needs and allocation of funds—a highly pertinent concern, due to the quite dramatic spatial differentiation of living conditions in Oslo (Hagen et al. 1994). Furthermore, that the system is perceived as non-political, because of its basis in statistics, provides grounds for legitimation. The system's legitimacy has probably contributed greatly to the fact that cross-level controversies regarding the allocation to each district largely have been avoided. The main criticism of the system is that using statistics from the preceding year fails to capture rapid socio-demographic changes, changes that would be used to calculate increased allocations to quickly meet growing needs.

Will the Local Government Reform Revive SMUs?

Oslo's district system remains the only case of multi-purpose SMUs with delegated political powers in Norway's local government sector. Overall, current research indicates that the territorial principle of specialization is declining markedly. In 2016, only 9.4% of local governments used some

form of sub-municipal decentralization, and only to single-purpose, administrative units (Monkerud et al. 2016)—as compared to 21% in 2012.

The ongoing local government reform could turn the tide. Some see establishing local political councils as a feasible strategy for countering potentially adverse effects on democratic engagement from enlarging individual local governments. Internal administrative decentralization has also been explored as an attractive option for cities in the process of amalgamating with neighboring local governments. If the local government reform results in substantially larger local governments in Norway, SMUs in various forms could rise higher on the agenda.

NOTES

1. 1 January 2016. Source: Statistics Norway.
2. 2016 budget. Source: The City Government's budget proposal, 2016. Calculations by the author.
3. The county municipalities are in charge of a rather narrow range of tasks, mainly related to transportation, secondary education, and planning. The bulk of public tasks and services below national level are carried out by the primary municipalities.
4. Because of the high number of small local governments, the median population size is just 4710.
5. Interviews conducted by the authors in November 2016 (leader of district council, city government officials).
6. Document study by the author. Source: District websites.
7. Regulations for the Districts of 15/10–2003/363, §2–6.
8. Østensjø District and Nordstrand District, see <http://apps.geodataonline.no/pedaltrakk-oestensjoe-nordstrand>.
9. There are no recently updated assessments.
10. Gini-coefficient = 0.252. Source: OECD Income distribution database, 2016, <http://oe.cd/idd> (accessed 6/6–2017). The use of OECD data does not imply that the OECD has participated in, approved, endorsed, or otherwise supported this analysis.
11. Gini-coefficient = 0.341. Source: Statistics Norway.
12. Statistics Norway: KOSTRA (Local governments-State-Reporting), see <http://www.ssb.no/offentlig-sektor/kostra> (last accessed 6/6–2017). City of Oslo: Bydelsstatistikken 2015, see <https://www.oslo.kommune.no/politikk-og-administrasjon/statistikk/statistiske-publikasjoner/bydelsstatistikken/bydelsstatistikken-2015/> (last accessed 6/6–2017).
13. Regulations for the districts of 15/10–2003/363, §5–3.

14. §5–3.1. Appeals over a district council decision may be submitted by the Chief Officer, by the city government, or by someone appointed by the city government.
15. Central regulations are issued by the government, by legal mandate.
16. For instance, the central regulation on nursing homes and dwellings with full-time care services states that users should, as a general rule, be offered individual rooms, be allowed to bring their own furniture, have access to facilities for play and diversion, be consulted on decisions that affect them, and so on.
17. See p. 15 in 2016 budget.
18. Ibid., p. 157 (author's calculations).
19. Source: Oslo City Government's budget proposal for 2016, author's calculations.
20. Ibid., p. 157 (author's calculations).
21. Ibid., p. 115 (author's calculations).
22. Source: City of Oslo statistics.

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Jan Erling Klausen is an associate professor of political science at the University of Oslo and a senior researcher at the Norwegian Institute for Urban and Regional Research. He has participated in numerous domestic and comparative European research projects on topics related to local governments and the relationship between central and local levels. Klausen's PhD thesis (2004) analyzed the effects of introducing elected SMU councils in Oslo, and he has since contributed numerous articles and book chapters in the field of local government studies.

New Experiments of Maintenance of Old Traditions? Dual System of Sub-municipal Units in Poland

Paweł Swianiewicz

INTRODUCTION

Reforms including the organization of sub-municipal councils in individual districts of the city have been relatively frequent in several European countries for more than 20 years (see e.g. Blakeley 2010 on UK, Franke and Löhr 2001 on Germany, Van Asche and Dierickx 2007 on Belgium, Lowndes and Sullivan 2008 on Spain and UK, Denters and Klok 2005 on Netherlands, Bäck et al. 2000, 2005 on Nordic cities). The issue has been less intensively discussed in Central and Eastern Europe, where the focus was more on the revitalization of the basic forms of municipal governments than on various democratic experiments, including those with SMUs. However, there is also a limited set of literature discussing sub-municipal experiments in post-communist countries. A large part of it concerns SMUs in rural areas (for an international review, see Peteri 2008,

P. Swianiewicz (✉)

Faculty of Geography and Regional Studies, Department of Local Development and Policy, University of Warsaw, Warszawa, Poland

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on Poland, see Derek and Mielczarek 2008). But there is also an increasing interest in neighborhood government experiments in post-communist cities (for Slovenia, see, e.g., Bačlija and Haček 2009, for Polish empirical analysis, see, e.g. Matczak 2008; Matyjaszyk 2011; Piechota 2013).

Most of the reforms are seen as elements of the broader process of attempting to strengthen participatory democracy (Van Ostaaijen et. al. 2012, Quinn 2012; Daemen and Schaap 2012), although in some cities, reforms of neighborhood operations are increasingly concerned with achieving more effective services, rather than enhancing community engagement and political accountability (Griggs and Roberts 2012). The expected benefits of SMU operation has been summarized by Lowndes and Sullivan (2008, see also chapter 1 in this volume) who use four major “rationales”: civic, social, political and economic.

However, taking into account the theoretical expectations discussed above, most results of the empirical analysis of consequences of intra-municipal decentralization are disappointing (Griggs and Roberts 2012; Ringeling et al. 2012; Bäck et al. 2005).

How Polish SMUs look like on this background? The aim of this chapter is twofold. First is a primary description of recent and on-going developments in sub-municipal reforms in Poland. It includes characterizing the legal framework, variation among policies applied by various municipalities and basic analysis of the financial support for SMUs. The second goal is related to an attempt at assessment of outcomes of the reforms. To what extent the functioning of SMUs meets the expectations of the reformers? What roles are played by SMUs in local politics?

This chapter has mainly descriptive goals. It has tried to present the context of SMU operation in Poland, and it consists of three major sections. The first gives an outline of the legal framework for SMUs. Sections “SMU in Rural Local Governments” and “SMUs in Urban Setting” characterize the practical experience of functioning of SMUs in rural and urban settings, respectively. Both tradition and the current status of SMUs in rural and urban local governments are so different that it justifies discussing their experiences separately.

SMUs IN POLAND—TRADITIONS AND CURRENT INSTITUTIONAL SETTING

Polish Law on Local Government adopted at the beginning of post-communist decentralization reform (March 1990) delegates the discretion to create SMUs district (neighborhood) councils to the city level.¹

The law defines only a very general framework for neighborhood councils' operation, but decisions on the boundaries of SMUs, as well as details of the electoral system, allocation of financial resources, and responsibilities are in the hands of the city council. The law allows the use of different names for SMUs. For rural areas the traditional term is *sołectwo* (usually a single village), although the law does not stipulate explicitly that *sołectwo* cannot be created in urban municipality. Terms which are provided for urban areas are usually districts (*dzielnice*) or neighborhoods (*osiedla*), although cities sporadically use their own original terms. However, the law does not differ concerning competencies and institutional structures of various SMUs, regardless of whether they are *sołectwo*, *dzielnica*, or *osiedle* or the city uses the name of its own invention.

However, there are important differences in central government policies toward the SMUs in the urban and rural environment. For a long time the main policy has been no policy, that is, the issue was considered to be of a marginal importance and was left entirely to the discretion of municipal councils, with no incentive going in any direction. From time to time there have been debates initiated by urban NGOs or other societal organizations lobbying for strengthening the legal position of SMUs, but they have condemned to failure. This description is still valid for SMUs in urban settings. However, in the case of rural villages, this has changed in 2009 with the adoption of the special Law on Village Fund (*Ustawa o Funduszu Sołeczkim*) providing financial support from the central budget for local funding allocated to individual villages at their discretion. The explanation of the difference in policies concerning urban and rural SMUs can be explained by three factors. First, the institution of village self-government has much deeper historical tradition than relatively new and not well-rooted attempts at building neighborhood structures of self-organization. Second, the strong support of the Agrarian Party (PSL) which has been part of governing coalition throughout most of the post-1989 period (PSL was part of coalition government in 1992–1996, 2001–2005, 2007–2015 periods; although the main proponent of the 2009 law was a senator from Civic Platform, the main party of the coalition government at that moment, not from the Agrarian Party). Third, presence of the influential lobbying groups representing village structures in the parliament (for details see section “SMU in rural local governments” of the chapter).

The following two sections of the chapter present rural and urban SMUs in Poland in more detail.

SMU IN RURAL LOCAL GOVERNMENTS

Similar to urban areas, formally it is the municipal council's decision to define the boundaries of SMUs and it is the local government that decides upon transfer of any functions and/or money to SMUs. But the tradition of village self-organization called *sołectwo* has been there since very long, as in the case of the locally elected village head (*sołtys*). The tradition goes back to the twelfth century and it is related to one of the orders of village setting (called in Poland "the German law"). And the history of *sołectwo* has been practically not disrupted since medieval ages, although their legal forms and competencies have been evolving.

Typically *sołectwo* is a single village, but occasionally it so happens that it consists of two small villages or one big village is divided into two *sołectwa*. Interestingly, it happens that *sołectwa* are also created in cities, in recently incorporated areas of largely still suburban and agricultural character. The issue of urban *sołectwo* has been controversial and there have been court cases in the past 20 years. But court decisions have been in favor of the possibility of urban *sołectwo* (Ptak 2016, 80).

The average *sołectwo* has 300 residents. Altogether in Poland 40,481 *sołectwa* exist in slightly over 2000 municipal governments. The number of *sołectwa* is lower than that of all village settlements (over 50,000, data from 2012 quoted from Ptak 2016).

The village head (*sołtys*) is elected during general village meetings, in which the most important decisions concerning village funds are made. There is also a National Association of Village Heads (*Krajowe Stowarzyszenie Sołtysów*), formed in 1994² in order to promote exchange of experiences, and it also functions as a lobbying group representing the interests of the village self-governments on a national level. The Association played an important role in preparing and lobbying for the Law on Village Fund. Its initiator—Ireneusz Niewiarowski—has been Member of Parliament through most of the post-1989 period,³ and has played an active lobbying role in the preparation of the Law.

The most comprehensive empirical study of *sołectwo* has been conducted recently by Ptak (2016), who conducted a survey of village heads and collected several information in two Polish regions: Lublin (in Eastern Poland) and Wielkopolska (mid-west Poland).

One of the measures of the interest of citizens in the functioning of village governments is turn-out at the village meetings in which village head is elected. The mean turn-out is 15%, that is, more than that typically in the election of SMUs in cities, but several times less than in rural local

government elections. Similarly as in regular local elections, there is also a clear relationship between size of the village and turn-out at village meetings (see Table 8.1).

Not surprisingly, another factor which increases the interest in elections is competitiveness, measured by number of candidates contesting for village head. Ptak (2016) also quotes data showing that in ca. half of the villages there is only one candidate, and the number of candidates exceeds three in ca. 3% of villages only. Ptak also describes the profile of a typical village head. He (she) is usually better educated than the typical rural citizen—the proportion of village heads with university degree is similar to general rural population (9%), but in case of secondary education the proportion is 42% for village heads against 25% for the rural population. They are usually residents staying for a longer period of time in that village—over half of them have been living there since they were born, and mean length of residence in the village is 24 years. Moreover, 45% of them are farmers and next 35% pensioners (usually former farmers). Vast majority of them are active in various social organizations, most often in Voluntary Fire Brigades or various groups organized by catholic parishes, and also in other organizations such as rural sport clubs. Fifteen percent of them are members of some political party⁴ (most often of the Agrarian PSL). Every fourth of them has ever been municipal councilor, but electoral data suggest that most of village heads deciding to contest wins election in their wards. It means that the position of village head, following Kjær (2012) terminology, could serve both as incubator and respirator of political career, but most of village heads are not interested in “political upscaling”. Finally, from the Statistical Office data we know that 36% of village heads are female, considerably more than on any other political position in Poland,⁵ which seems to be coherent with the Putnam’s (1976) law of increasing disproportion.

According to the survey conducted by Ptak (2016) relationship between a mayor and village head is usually good (there is much more cooperation

Table 8.1 Turn-out at the village meetings to elect the village head and the population size of the village

<i>Population size</i>	<i>Mean turn-out (%)</i>
<150	25
151–250	20
251–350	17
351–450	15
>450	9.5

Source: Ptak 2016

than conflict), and typically, a mayor attends the village meetings in each of villages in his (her) municipality at least once a year. The hottest issues discussed in the village meetings are related to changes of the school network (especially liquidation of small, rural schools) and renewable energy (location of wind electric plants).

Rural SMUs have attracted much more attention of the National Parliament than their counterparts in the cities (see also section “[SMUs in Poland—Traditions and Current Institutional Setting](#)” of this chapter). The most dramatic difference is related to financial support. There is no central budget funding for urban SMUs; however, in case of village (*solectwo*) level the situation has changed in 2009 with the passing of the Law on Village Fund (*Ustawa o Funduszu Soleckim*). Starting from 2010 rural local governments are encouraged to transfer sums of money to the individual villages (*solectwa*). The transfer should be allocated according to the formula provided by the Law. It requires to transfer ca. 1% of current revenues of the local government budget, so we are talking about relatively small amounts. The allocation among villages is more or less proportional to their population size. Establishment of the Village Fund is not compulsory, but the incentive is that it is accompanied by a matching grant from the central budget, which provides between 10 and 30% of the funding transferred by the local government, depending on the affluence of local budget (larger central support for poorer areas). In 2014 the rules of the matching grant have been changed, and in 2015–2016 the central contribution has been increased to 20–40%, but at the same time the most affluent rural local governments have been totally exempted from the system. The Village Fund can be used for small-scale investments in the villages, and the choice of the concrete projects is made during the general village meetings. The 2014 change of the Law has allowed for “inter-village cooperation”, that is, projects undertaken jointly by two villages.

The immediate reaction of rural local governments for the new law was moderate. In 2010 slightly less than half of them decided to establish the Village Fund, but in following years the proportion has been gradually growing, reaching close to 2/3 in 2015 (see Fig. 8.1).

Bil (2014) in his study analyzed factors explaining the probability of establishing Village Fund, and he found that:

- There is positive correlation with the population size of local government; in larger local governments the demand for sub-municipal decentralization seems to be higher;

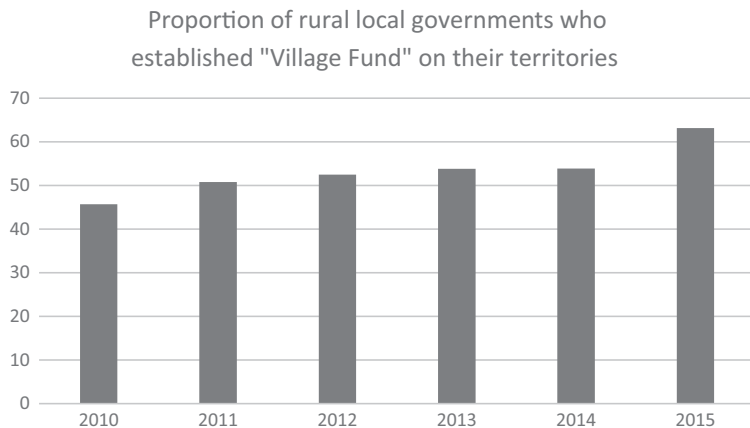


Fig. 8.1 Proportion of rural local governments who established “Village Fund” on their territories. Source: Bil (2014) for 2010–2012, own calculations on the basis of budget reports for 2013–2015

- Contrary to what might be expected, there is a negative correlation with number of *sołectwa* (villages) within a local government unit. Perhaps local governments consisting of numerous villages were afraid of excessive fragmentation of the fund into very small, almost un-usable amounts;
- There is a high regional variation. Following Herbst (2008) study on social capital in Poland, Bil found that Village Fund is established more likely in regions with high bridging-type social capital (this variable has been the most powerful in his summary regression model).

Spending on Village Funds has been growing quicker than the number of local governments deciding to establish the Funds (see Fig. 8.2). The growth rate was especially high in 2015, perhaps following the change in the Law, which increased the level of matching grant provided by the central budget.

What are the typical projects financed from the Village Fund? The sector structure of spending has been almost the same in 2012 and 2015 (data on 2012 after Bil 2014, on 2015—own calculations based on official budget reports). More than one-third is spent on small road or pavement repairs. Next 25% goes for cultural events or purchase of various equipment

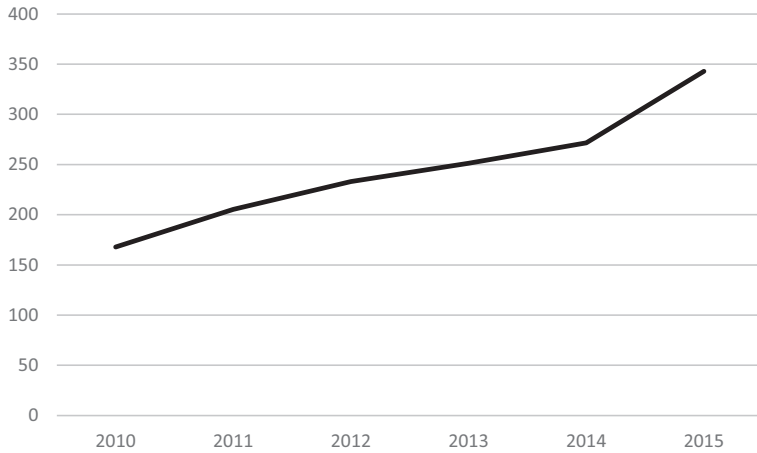


Fig. 8.2 Spending of Village Funds (in million PLN, current prices). Note: 1 euro = ca. 4.2 PLN. Source: Bil (2014) for 2010–2012, own calculations on the basis of budget reports for 2013–2015

for village culture centers. This is followed by ca. 15% spent on small repairs of the rural infrastructure and 8% on sport events or sport equipment. However, Bil (2014) suggests that the structure is highly regionally diversified. In the more developed (and better equipped in rural infrastructure) regions of Western Poland, almost 2/3 of funding goes to cultural and sport events, while in the more “lagging behind” Eastern regions, the first local priority is to improve local roads and other elements of technical infrastructure.

SMUS IN URBAN SETTING

There is no official register which would allow us to say how many cities have decided to create SMUs on their territory, not even imagining about how many there are in each individual city. So from that point of view knowledge is much more limited compared to that in case of rural areas. On the other hand studies on the practical functioning of urban neighborhood/district councils, their role in development of participatory governance and so on in urban setting are more numerous than those concerning village level. But they give only fragmentary knowledge of case study type, or limited to single issues and single cities or regions. The most interesting

studies include the Podgórska-Rykała and Cofur-Machura (2012) study of cities in the Silesia region; the Bul and Piątek (2012) study focused on Poznań, including also comparative analysis of other cities; and the Matczak (2006, as well as Matczak and Kotnarowski 2012) study concentrating on the role of SMUs in activating citizens participation.

The general conclusions from those studies are usually skeptical. A typical SMU has minimal competencies and negligible budget allocated by city council. On the other side of the same coin, citizens' interest is also very limited; they are rarely seen as tools for more active involvement in local public services. During last few years, several societal organizations aimed at stimulating citizens' participation or even being a channel for non-partisan involvement in local politics have appeared in numerous cities. Interestingly, they have been seeing SMU as a useful tool for their activity relatively rarely, concentrating on other instruments, including participatory budgeting and others.

The most recent, comprehensive study of SMU has concentrated on 23 largest cities in Poland, with over 150,000 citizens (Swianiewicz et al. 2013). The study—which is the base for further part of this section—gives a comprehensive picture of institutional structures, financial mechanisms and political importance of SMUs, but limited to the group of the largest cities.

According to 2012 data, sub-municipal councils have been organized in 20 out of the 23 largest cities. In one of the remaining three cities—Białystok—neighborhood government structures existed between 1995 and 2006, until they were abolished by a decision of the city council and the mayor. Interestingly enough, the neighborhood government structures in Białystok are mentioned in the city strategy, even if they do not exist in practice, which confirms the ambivalent policy of the city toward the issue. In the two remaining cities (Kielce and Radom), sub-municipal councils were never organized.

Recently Stradomski (2016) published results of a study of SMUs covering cities of 50–150,000 population. He finds out that about two-third of cities in that size cohort have created SMUs within their territory. However, this figure should be treated with some caution, since it originates from responses of cities to the survey conducted by the author. It is fair to expect that cities with SMUs are over-represented among the group which responded the survey (the response rate for 50–150,000 group was 29%), so perhaps the actual figure is lower. It would confirm the claim that the demand for creation of SMUs in large cities is higher than in mid-size and small municipalities.

In 12 cities, the neighborhood councils cover the whole territory of the cities, while in the remaining eight, sub-municipal structures operate in only some of the neighborhoods (usually in those in which the bottom-up initiative was the most lively).

Figure 8.3 illustrates the territorial division of Polish cities into SMUs, showing the average population of the neighborhood unit. The measure is a simplification, since there are considerable variations in unit size within one city. In the extreme cases of Łódź and Wrocław, the ratio of the largest to the least populated SMU is 70:1. Anyway, cities clearly adopt different models reflecting different approaches to what SMUs might be. On the one hand, there is Kraków with small number of big districts, which potentially may play a role in service delivery, on the other very small neighborhoods in Bielsko-Biała or Rzeszów, which may be nothing more than channels for stimulating small-scale local events involving citizens of the area. According to Stradomski's (2016) study, the typical population size of an SMU in smaller cities (of 50–150,000) is even smaller than in largest cities, and it usually varied between 3 and 7000.

Marginal Role and Limited Citizens' Interest in District/ Neighborhood Councils in Large Cities

Regardless of the differences between cities, the role of neighborhoods in the politics of Polish cities is rather marginal. This conclusion is drawn from two observations regarding

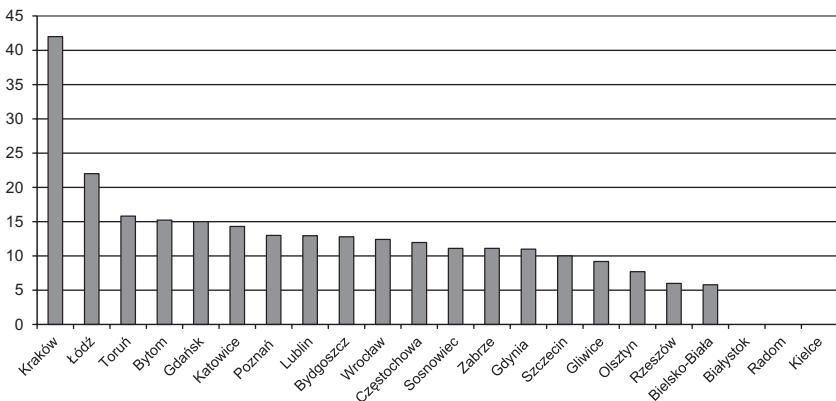


Fig. 8.3 Average population size of neighborhood unit in Polish cities (1000s of residents). Source: Websites of analyzed cities

- (1) the presence of neighborhoods in strategic planning documents developed in the cities,
- (2) the amount of financial resources transferred to the neighborhood councils.

Reference to SMUs may be found in only one-third of strategies adopted by 23 largest Polish cities. The development-strategy documents usually reflect only a marginal role (if any) attached to the existence of sub-municipal structures. The role of sub-municipal councils in the strategic documents seems not to be larger than that of local societal organizations and other bottom-up social initiatives and is referred to in a similar way. The strategies often refer to districts or neighborhoods as parts of the territory, but those references do not mention their self-government character. Sub-municipal councils are not depicted as important partners of city government, even in the formulation of policies concerning individual parts of the city. The only roles which are sometimes assigned to neighborhoods are as the animator of local communities and as rather insignificant consultants on city-territorial policies.

The low profile of neighborhood councils is even more evident in the amount of financial resources assigned to them (expressed as a proportion of total city-budget expenditures—see Fig. 8.4). The considered data take

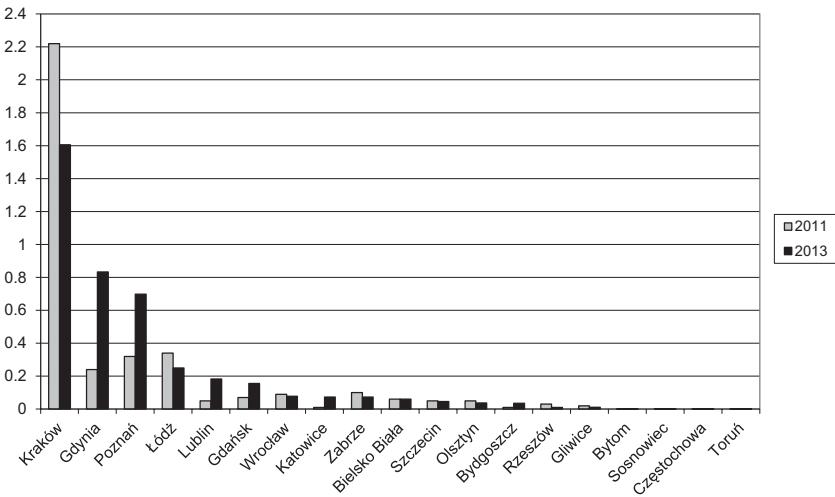


Fig. 8.4 Sub-municipal spending as percentage of total city-budget expenditures. Source: *City budgets accessed through web-sites of analyzed cities. In the case of 2013 the approved budget plans are taken into account*

into account not only resources which are directly allocated to SMUs, but also other expenditures, which are shaped by neighborhood councils' priorities. Also included are operationally related costs, such as the rental of office space for sub-municipal councils.

Considering the negligible proportion of sub-municipal spending in city budgets, it is difficult to expect SMUs to play a crucial role in the provision of urban services. In Poland the only city in which the concept of such radical intra-city decentralization was considered is Poznań, but the mayor's proposal was rejected by the city council. The mayor's proposal assumed that SMUs might receive about one-third of the overall city budget and would become responsible for delivery of some public services, including pre-school and primary school education, local streets and local leisure and culture centers. The rejection of the reform by city council was a consequence of several factors. First, apart from internal decentralization the plan has assumed radical amalgamation of SMUs, which was criticized by many SMU councilors. Consequently the bottom-up support from SMUs themselves was ambivalent in the best interpretation. Second, the mayor has not treated the proposal as his main priority, so his involvement in the promotion of the reform was very limited. Third, the mayor of Poznań was independent (non-partisan, not a member of any of major political party) and he was dependent on very volatile ad hoc coalitions in the council to support his projects. In this case, several councilors being in conflict with a mayor used this occasion to strengthen the power position of the council against the directly elected mayor. Officially the city councilors had not rejected the proposal totally, but they submitted the alternative reform proposal, which was much less radical, and in fact it had diluted the idea of the radical decentralization to the SMU units.⁶

Nevertheless, the variation among cities is very significant. Once again, Kraków is an exceptional case, since it is the only Polish city in which sub-municipal councils may spend more than 1% of the city's budget (in 2011 it was more than 2%). The second group is Gdynia and Poznań, in which neighborhood councils have discretion over more than 0.5% of the city's budget, and this proportion has been on an upward scale over the past few years. The third group are cities with proportionally very small sub-municipal budgets (0.05–0.5%), which includes Łódź, Lublin, Gdańsk, Wrocław, Katowice, Zabrze and Bielsko-Biała. In the remaining cities, the size of sub-municipal budgets is negligible (less than 0.05% of city expenditures. In four cities it is even below 0.01%).

Fiscal austerity measures adopted by several cities in recent years as a response to the economic crisis resulted in further cuts to sub-municipal

budgets in some cities (of which Kraków and Olsztyn are good examples). In some other cities, regardless of the fiscal pressure, the proportion and the absolute volume of funds spent by neighborhood councils have been gradually increasing. Gdynia and Poznań are perhaps the most characteristic in this respect. In both cities the decisions to increase the allocation for SMUs' investments were made a few years ago and have been implemented. Gdańsk and Lublin provide less dramatic but also clear examples of a similar trend.

As it is clear from strategic documents developed by city governments, the main role prescribed for sub-municipal councils is activation and representation (e.g. in consultations on decisions concerning the neighborhood) of local communities. In such circumstances, to understand how well this role may be performed, it is crucial to check how citizens perceive neighborhood councils. In this chapter, we focus on one simple indicator of citizen interest—participation in sub-municipal elections. International comparative data analyzed by Denters and Klok (2013) suggest that turn-out in Polish sub-municipal elections is among the lowest in Europe (see also Fig. 8.5⁷).

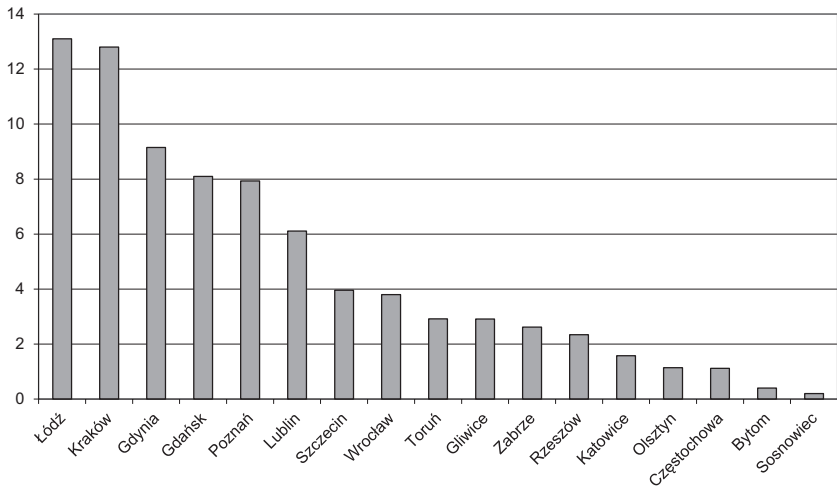


Fig. 8.5 Average turn-out in recent sub-municipal elections (2009–2012). Notes: (1) turn-out calculated as the number of voters, divided by the number of eligible voters in the city. The same formula was applied to cities where sub-municipal councils operate in only part of the city. (2) Elections to the Łódź sub-municipal councils were organized on the same day as city mayor and city council elections. Source: *Websites of analyzed cities and data of National Bureau of Election*

It is very important to mention that in Poland, elections to city and regional councils do not occur on the same day as voting for sub-municipal governments. This certainly has a (negative) influence on voter turn-out. Sub-municipal elections are seen as less important, and voting requires an additional effort, which many citizens do not bother to undertake.

In practice, there are two different systems of voting for sub-municipal councils in Poland. The first type is arranged in the same way as parliamentary or city elections—that is, voters can come at any time of the day to cast their vote for the nominated positions. But in some cities, voting is organized during general meetings (assemblies) of citizens of the neighborhood.

It is very telling that information on voter turn-out is not easy to find on city websites, or even in city halls, which is another indirect indication of the marginal role played by an SMU in city politics. In several cases, obtaining relevant information at city hall is not easy, either. In particular in cities in which elections are organized during general assemblies of citizens, information on turn-out is not systematically collected, so it is hard to access.

Kraków and Łódź are the only cities in which turn-out in recent elections was higher than 10%. Łódź had the highest score, but as mentioned above, it is the only city in which sub-municipal and municipal elections took place on the same day. In several cities it is much lower, sometimes even below 1%.⁸

Having in mind the limited interest of voters, some cities are trying to limit the existence of sub-municipal councils by setting up thresholds for turn-out, below which the appointment of the council would not be possible. However, neighborhood activists are often very successful at lobbying for lowering or abolishing the threshold. The highest threshold (20%) was adopted in the 1990s in Zabrze, but it was gradually decreased and finally abolished over the past 12 years. In Gdańsk, the threshold was lowered from 10% to 8% and then to 5% over the past decade. In a few cities, in which elections occur during general assemblies of neighborhood citizens, the threshold is defined as an absolute number, not as a proportion of eligible voters. This number is usually quite low (e.g. meeting attendance of 60 or 100), and sometimes it is additionally reduced for a “second chance” assembly of citizens. Nevertheless, there are cases in which even such an unambitious threshold cannot be achieved, and the council cannot be elected due to a lack of popular interest. For example, in Rzeszów the threshold is defined as 100 citizens and lowered to 60 citizens during the “second chance” assembly meeting. Taking into account

neighborhood population size, the threshold translates to ca. 1% of eligible voters. Nevertheless, in Rzeszów's recent election the turn-out for the assembly meeting permitted the election of only 25 out of 29 sub-municipal councils.

Explaining Variation Among Cities

The position of sub-municipal councils, as presented above, is in most cases very weak, nevertheless, there are differences between individual cities. Therefore, we may ask what factors might influence the pattern of these differences, both on the city level and on the level of individual neighborhoods. In our explanatory model we will use two dependent variables to illustrate the position of neighborhood governments in city politics:

- The share of city-budget spending in the 2013 budget plan (which illustrates the role in providing functions guaranteed by the cities);
- Turn-out in recent sub-municipal elections (which illustrates citizen interest in sub-municipal structures).

Bäck et al. (2005, 63) indicated in their study three variables which might potentially influence citizen interest in sub-municipal government structures:

- *Relevance*—the broader the range of services allocated to the SMUs, the more people will probably devote their energies to influence sub-municipal politics. This variable refers also to the earlier concept of explaining citizens' interest in politics, which was developed by Dahl and Tufte (1973).
- *Accessibility*—expected citizen involvement is smaller in large SMUs, which may be seen by voters as less accessible and less inviting for participation.
- *Localism*—citizen interest might be increased by the perception of sub-municipal councils as at least partially autonomous. In particular, the method of electing/nominating sub-municipal council members seems to be important.

The variable of localism is not relevant for our study, since there are no differences among Polish cities in this respect. But relevance (operationalized by the share of SMU spending in overall city budget⁹) and accessibility

(operationalized by neighborhood population size) are tested below. Additional independent variables of the model include:

- City's population size—we assume in our analysis that demand for sub-municipal structures is higher in the largest cities, which are more internally diversified, so the need to express the territorial interests of individual neighborhoods may be perceived as more important. This variable may be treated as another version of the *relevance* argument explained above.
- Local embeddedness of the population, measured by the proportion of population born in the same city. We assume that people with stronger local roots will be more inclined to be interested in local political issues. This specific variable may be to a large extent identified with another form of the social-capital factor, which is discussed in the previous item.

We expect that these independent variables may influence not only citizens' interest, but also the role of SMUs in service delivery and in local politics in general.

The size of sub-municipal budgets is correlated with the size of the city (Spearman coefficient +0.56, significant on 0.01 level); however, this result is biased by the extreme value of the dependent variable for Kraków, which is the largest city in our sample. If Kraków is excluded from the analysis, the correlation coefficient drops to 0.48 (still significant on 0.05 level). Local embeddedness (percentage of citizens born in the same city) shows no correlation with intra-municipal financial decentralization, either.

Stronger relationships are identified between citizen interest in neighborhood-council elections and the level of sub-municipal decentralization. There are regularities which confirm the significance of our explanatory model. First, turn-out is usually higher in big cities (Spearman coefficient 0.743, significant on 0.01 level, see also Fig. 8.6), in which “demand” for articulating and representing distinct territorial interests of individual parts of the city is larger. In big cities, SMUs are more required and citizens note this necessity.

Second, higher turn-out usually occurs in cities where neighborhood councils have more responsibilities (measured by the size of their budgets—see Fig. 8.7). The Spearman correlation is +0.804 (significant on 0.001 level). This relationship follows Dahl and Tufte's (1973) expectation that the wider scope of functions of local authorities tends to increase citizen interest in council operation.

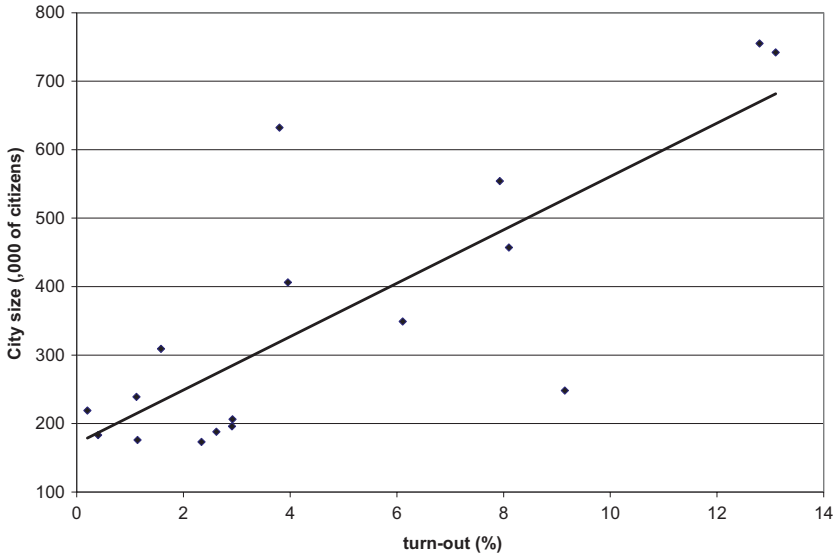


Fig. 8.6 City size and turn-out in sub-municipal elections. Source: Own calculations based on official statistics

However, Dahl and Tufte presented their expectation in a different context—that of the discussion of the optimal size of local government jurisdictions. They argued that larger local governments may be responsible for a wider scope of functions, so territorial consolidation may bring more social involvement in local politics. This logic has not found universal confirmation, since local turn-out is often higher in small jurisdictions. Denters (2002) explains the relationship between city size and turn-out in local elections both referring to rational choice (in a small group, a single vote carries more weight) and to trust in politicians: *social trust is based on strong personal ties in small communities. Decline of community and social trust resulting from increasing scale will be reflected in declining political trust.*

This logic presented by Denters finds confirmation in the intra-municipal variation in turn-out in neighborhood council elections. As shown in Table 8.2, in all Polish cities for which relevant data are available on the neighborhood level, there is a negative correlation between neighborhood population and voter turn-out in sub-municipal elections. If we take into account the Spearman coefficient, they are statistically significant in all cities except for Łódź.

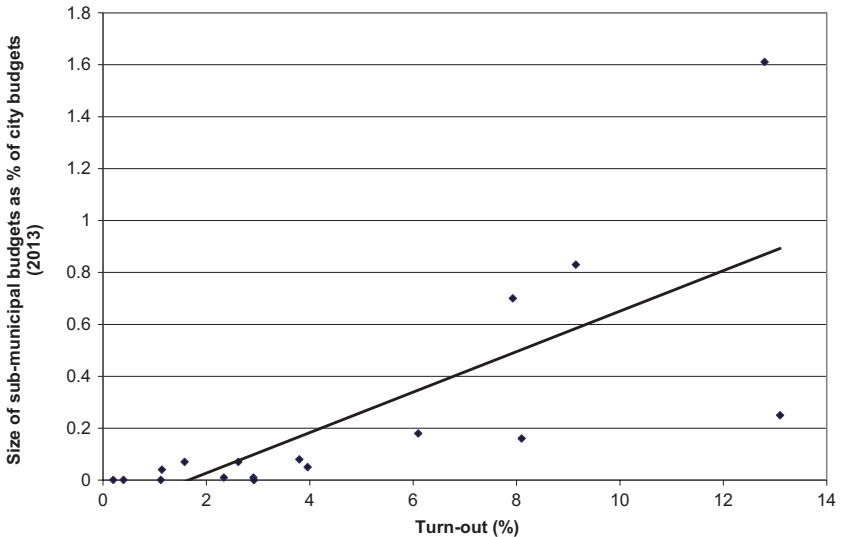


Fig. 8.7 Turn-out in sub-municipal elections and size of sub-municipal budgets in 2013. Source: Own calculations based on official statistics

Table 8.2 Spearman correlation coefficients between neighborhood population and voter turn-out in recent sub-municipal elections

	<i>R</i>	<i>Significance</i>	<i>N</i>
Zabrze	-0.89	0.000	17
Olsztyn	-0.85	0.000	23
Toruń	-0.85	0.000	13
Szczecin	-0.75	0.000	37
Gdynia	-0.71	0.000	22
Lublin	-0.68	0.000	27
Gdańsk	-0.63	0.000	27
Poznań	-0.59	0.000	42
Kraków	-0.74	0.001	18
Częstochowa	-0.62	0.003	20
Gliwice	-0.63	0.050	10
Łódź	-0.27	0.273	24

Source: Own calculations based on data from official websites of the cities

The conducted analysis allows it to detect differences not only among neighborhoods of various sizes but also among different locations and types of units: suburban (located far from the center and comprising single-flat houses), SMUs in city centers and multi-flat big housing estates.

The highest levels of interest in sub-municipal governments are noticed in small and suburban neighborhoods. The lowest turn-out is observed in big SMUs in the city centers, as well as in big multi-flat housing estates. The analysis of the extreme values of turn-out shows that the same relationship may be found in all 12 cities for which we found precise turn-out data for each neighborhood council. The highest turn-out was found for the very small (up to 2000 population) suburban single-flat-housing neighborhoods in Poznań (32%) and in Łódź (25%). The lowest turn-out was found in big (over 20,000 population) multi-apartment-housing estates in Olsztyn (0.3%), Częstochowa (0.4%) and Wrocław (0.5%).

The relationship between size and type of neighborhood and citizen interest in sub-municipal institutional structure was not only observed in voter-turn-out data. In a recent analysis of 13 neighborhoods of four Polish cities (Swianiewicz et al. 2013), it was also noted that the general levels of citizens' knowledge of sub-municipal governments,¹⁰ as well as the level of trust in sub-municipal councilors (compared to the trust in city councilors), are higher in small neighborhoods, located on the peripheries of large cities (see Figs. 8.8 and 8.9). Citizens' trust in neighborhood councilors is higher than trust in members of city assemblies in 11 out of the 13 neighborhoods studied (the exceptions were the most centrally located units: The Old City in Kraków and The Old City in Poznań).

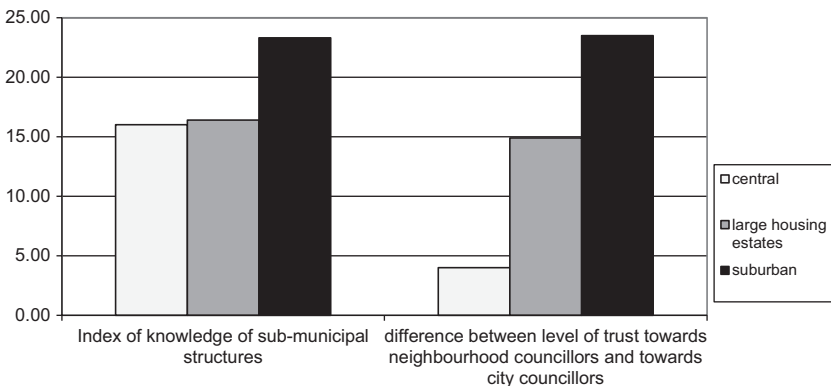


Fig. 8.8 Index of knowledge and level of trust in neighborhood councilors depending on neighborhood type and location. Note: The rightmost bars in the figure refer to the differing levels of citizens' trust in neighborhood and city councilors. Positive values signify higher trust in neighborhood councilors; negative values signify higher trust in city councilors. Source: Own calculation on the basis of a survey of citizens in four cities ($N = 1161$)

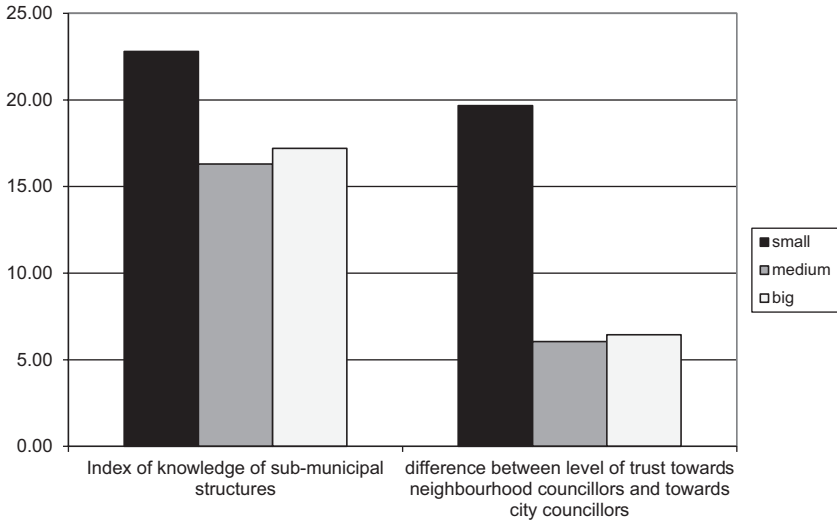


Fig. 8.9 Index of citizen knowledge and level of trust in neighborhood councilors according to neighborhood population. Note: The rightmost bars in the figure refer to the differing levels of citizens' trust in neighborhood and city councilors. Positive values signify higher trust in neighborhood councilors; negative values signify higher trust in city councilors. Small neighborhood means populations below 8000, medium 8000–20,000 residents, and large population over 20,000. Source: Own calculation on the basis of survey of citizens in four cities ($N = 1161$)

But the difference between trust in neighborhood and city councilors is much larger in small SMUs and in neighborhoods of a suburban character than in the large, centrally located neighborhoods.

Additionally, we found that there is a weak relationship between turnout in neighborhood elections and local embeddedness of the population (correlation +0.40); however, this relationship is not statistically significant on 0.05 level. Neighborhood councils are, to a very limited extent, channels of civic involvement. In some interviews during the case study research we were told that voluntary social organizations are sometimes perceived (by both sides) as competitive rather than synergistic support for sub-municipal councils. The summary of found relationships is presented in Table 8.3.

Table 8.3 Spearman correlation coefficients between the size of sub-municipal budgets, turn-out in sub-municipal elections and potential explanatory variables used in the models

<i>Independent variable</i>	<i>Turn-out in sub-municipal elections</i>	<i>Share of the city budget deconcentrated to sub-municipal councils</i>
City population size	0.78 ^a	0.56 ^a
Population size of neighborhoods	0.27–0.89 ^b	0.30
Turn-out in 2010 municipal elections	0.11	–0.06
Embeddedness—proportion of population born in the same city	0.40	–0.04
Share of the city budget deconcentrated to sub-municipal councils	0.88 ^a	–

^acorrelation significant on 0.01 level

^bcity level correlations. Various results for various cities

CONCLUSIONS

SMUs in Poland represent in fact a dual system—separate in rural and urban areas. In spite of the fact that both of them are regulated by the same articles of the same Law (on Municipal Governments), formal regulations show many similarities or concern both of them at the same time, and both are called “auxiliary units of municipal governments”. But beyond this the reality is very different.

Rural SMUs (*sołectwa*) are deeply rooted in multi-century tradition, and it is hard to imagine a Polish village with no *sottys* (village head) as a village leader. The old traditions have been re-invigorated by the 2009 Law on Village Fund allowing individual villages to decide upon small projects implemented at their territory. There is no hard data supporting this claim, but several politicians and researchers report that the new Law re-invigorated competition for the village head’s position (see Ptak 2016). Before 2009 it was not rare to find villages in which nobody wanted to be elected a village *sottys*, but after 2009 the number of willing candidates has increased considerably. It is difficult to talk about rural SMU as experiments; we should rather talk about cultivating and maintaining the old traditions.

The situation is very different in urban settings. Once again, it is difficult to label urban SMUs as new experiments, since some forms of neighborhood self-government existed even before 1990 political turn-over. Sub-municipal structures are very popular among large Polish cities. They operate in 20 out of 23 cities with a population over 150,000 and many smaller towns and cities (although precise number remains unknown). However, the function and political meaning of SMU in the largest Polish cities is very marginal in most cases, which is perhaps best illustrated by the negligible share of city expenditures spent at the neighborhood level. At the same time they are often poorly rooted in local communities—citizens' interest in their operation is very limited, which may be illustrated by very low voters turn-out and also by the low level of knowledge of neighborhood activists or the limited level of trust in them. If they are treated as a hope for revitalizing urban democracy, the result is a big disappointment.

But there are significant differences among individual cities. The main conclusions can be summarized as follows:

1. there seems to be higher citizen demand for neighborhood structures in the largest cities and lower demand in smaller cities;
2. the stronger role of sub-municipal structures in the provision of city functions results in larger citizen interest in neighborhood-level institutions;
3. there are also differences on the neighborhood level: smaller and suburban single-flat housing estates usually produce larger citizen involvement and interest than large multi-flat buildings and centrally located neighborhoods.

City politicians, when asked about the prospects of more radical intra-city decentralization, often argue that increasing the scope of functions and the powers of sub-municipal councils would be a mistake if it did not attract significant interest of the local communities. Embarrassingly low voter turn-out in sub-municipal elections provides support for this skepticism. But citizens when asked why they are not interested in election, they answer that neighborhood councils are powerless, so why bother. There is negative feedback between limited intra-city decentralization and the disengagement of citizens. The question is whether it is possible to break this vicious circle. The positive relationship that has been discovered between citizens' interest in neighborhood councils and the scope of spending

authorities allocated to those neighborhood councils provides a foundation for careful optimism. The point is that so far nobody really tried to break this negative feedback by testing what would happen if more radical intra-city decentralization is introduced. In Poland, the only (however unsuccessful) attempt to go in that direction was the reform proposal suggested by the mayor of Poznań (which was rejected by the city council—see also discussion in the section “[Marginal Role and Limited Citizens’ Interest in District/Neighborhood Councils in Large Cities](#)” of this chapter).¹¹ The review of the academic literature suggests that in other European countries also it is hard to find an example of the city which has ever tested that option.

NOTES

1. The only exception to this rule is 2002 Law on Local Government in Warsaw Capital City which imposes the creation of 18 SMU and stipulates basic rules related to the relationship between city level and SMUs. However, this specific case is not further discussed in this chapter.
2. In 1991 the Association was formed in one of the Polish regions, and in 1994 it was transformed into a nation-wide organization, consisting of a federation of 14 regional associations (there are 16 regions in Poland, so two regions—Łódź and Warmia-Mazury—do not have their representation in the National Association).
3. 1989–1993, 1997–2005 and 2007–2015.
4. It is half of proportion for municipal mayors but several times more than among average citizens.
5. After the 2014 election the proportion of female councilors in rural local governments in Poland is 27% and among rural mayors it is just over 10% (own calculations based on National Electoral Committee data).
6. For a more comprehensive discussion of the Poznań reform see chapter 8 in Swianiewicz et al. (2013).
7. In the recent study by Stradomski (2016) there is an analysis of the turn-out in SMU elections in 22 cities with population between 50 and 150,000. He finds out the huge variation (from 1% to 40%), but a typical turn-out, has been low similar to that in the largest cities.
8. It should be mentioned however, that in cities in which sub-municipal councils operate on only part of the city territory, we calculated the average turn-out by dividing the number of actual active voters by the total number of eligible voters in the whole city. The justification of this method is the fact that sub-municipal councils are usually not created (so elections do not take place) in those parts of the city in which bottom-up interest in the

- creation of the neighborhood government structures was the lowest. An alternative method of taking into account the average from only a few of the most active neighborhoods (in which elections took place) would result in an over-estimation of citizens' interest in sub-municipal councils.
9. In this part of analysis the budget spending of neighborhood councils plays a role of independent variable of the model.
 10. Measured here by an index composed on the basis of answers to several questions, related to citizens' awareness of the existence of sub-municipal governments, knowledge of the names of neighborhood councilors and so on.
 11. For the discussions of the planned reform in Poznań see Swianiewicz et al. (2013).

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Paweł Swianiewicz is Professor of economics at University of Warsaw and Head of the Department of Local Development and Policy at the Faculty of Geography and Regional Studies. Between 2005 and 2010 he was the President of the European Urban Research Association. His teaching and research focuses on local politics, local government finance and territorial organization. Most of his empirical research focuses on Poland, and also on comparative studies of decentralization in Central and Eastern Europe.

Deeply Rooted but Still Striving for a Role: The Portuguese *Freguesias* Under Reform

Antonio F. Tavares and Filipe Teles

In political science, the debate about the size of local jurisdictions for the exercise of democratic governance has gained significant traction in recent years. The discussion frequently pits the supporters of the “small is beautiful” motto against the advocates of the “large is lively” argument (Denters et al. 2014). For the purpose of the discussion of sub-municipal units (SMUs), it is important to recognize that the “small is beautiful” motto is upheld by the empirical literature linking smaller jurisdiction size with increased voter turnout (Oliver 2000; Larsen 2002), political participation (Verba and Nie 1972; Oliver 2000; Carr and Tavares 2014), and internal political efficacy (Lassen and Serritzlew 2011). The presence of SMUs in a city can be regarded as positive for the quality of the local democracy, as smaller jurisdictions can improve citizens’ feelings of competence to understand as well as participate in local politics. From a quality of democracy perspective, increased municipal fragmentation into SMUs can

A.F. Tavares

Research Center in Political Science/School of Economics and Management,
University of Minho, Braga, Portugal

F. Teles (✉)

Department of Social, Political and Territorial Sciences University of Aveiro,
Aveiro, Portugal

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potentially improve the democratic representation and civic and political participation by local citizens (Tavares and Carr 2013). Despite this conjecture, studies of the consequences of SMUs have been largely absent from the Political Science literature, and the few empirical studies conducted so far suggest that SMUs do not raise citizen interest and engagement (Bäck et al. 2005; Swianiewicz 2015).

In Portugal, SMUs are known as parishes (*freguesias*) and have evolved over the last century and a half to become full-fledged, lower-tier local government units. The number of SMUs reached a high of 4259 in 2012, but a territorial reform triggered by the Memorandum of Understanding signed by the IMF/EU/ECB and the Portuguese government in 2013 has reduced this number to 3092 SMUs. However, this territorial reorganization of SMUs appears in a context of national financial crisis associated with the sovereign debt crisis and was not the product of a voluntary decision by either the national or local governments (Teles 2016).

Limited research conducted in the Portuguese context has shown that the fragmentation of municipalities into numerous SMUs likely induces additional spending and inefficiencies (Tavares and Rodrigues 2015), but this effect is countered by a positive impact on political participation due to smaller SMUs. Tavares (2016) finds a negative statistical association between SMU size and electoral participation, even if this effect is mediated by the municipal context where these SMUs operate. These findings are the result of large number of studies using a complete database of Portuguese SMUs, but most of this research has failed to investigate SMUs from a stakeholder's perspective. As a result, not much is known about the processes through which political and civic participation takes place at the sub-municipal level, and comparative research at this level is largely absent in the field of Political Science in Europe.

This chapter aims to contribute to the debate about SMUs in Europe by presenting and discussing the characteristics of SMUs in Portugal. First, we describe the historical evolution of Portuguese parishes (*freguesias*) from their initial religious roots through the conversion into civil parishes and their contemporary constitutional status as local governments. Next, we present the legal framework, structure, and organization of Portuguese SMUs. Section 3 provides some basic facts and figures regarding the number of parishes per registered voters and per area. Section 4 describes the competencies, powers, services, and finances of Portuguese parishes and their relationship with the municipal level. Section 5 summarizes the recent territorial reform that reduced the number of

Portuguese SMUs from 4251 to 3092. The last section concludes this chapter with a brief discussion about the future of Portuguese parishes.

BRIEF HISTORICAL EVOLUTION OF *FREGUESIAS*

The origin of Portuguese parishes lies in the first millennium AD, when the Catholic parishes (*paróquias*) were the delegations of the *sedes* or *cathedra*, the primitive episcopal churches (Caetano 2005). The origin of the parishes is exclusively ecclesiastical and goes back to the fifth century. The population of the inland areas and land conquered to the Moors led to the expansion of Christianity to the rural areas and the birth of small population centers. These core areas benefited from the devolution of worship from the cities, allowing the expansion of the parishes. The community was built around the church and the priest following communitarian rules. Given the spiritual connection between the church and its followers, these became known as parishioners (*paroquianos*) and the congregation as the parish (*paróquia*). Until the Liberal Revolution of 1820, which ended the Absolute Monarchy in Portugal, the term *freguês* was used to designate the parishioners, who were the *fregueses* (i.e., customers) of the priest (P. M. de Oliveira and Sá 1950).

The community of *fregueses* or parishioners was organized around the parish as a strong community. Parishes played an important role in the rural areas and less so in urban areas due to the difficulty in differentiating between their interests and those of the municipality. In remote areas, the priest becomes a parental figure and the main support of the parishioners or *fregueses*. It was around the church and the priest that the community grew and its communitarian rules and collective heritage were developed and expanded (P. M. de Oliveira and Sá 1950).

The political expression of the parish lies in the brotherhood (*confraria*) of the Catholic Church, whose implementation follows the stage of publication of the institutions and fundamental regulations for the institutions of the parish. In larger parishes, officials included a judge, a steward, a solicitor/procurator, a clerk/scriver, and a custodian (C. Oliveira 1986). These officials represent the community of parishioners and defend the interests of the Church, serving the government of the parishes in the ecclesiastical causes and divine worship. It was around the church that the parishioners would gather to solve their administrative problems.

Three stages can be identified in the evolution of Portuguese parishes. The first stage begins with the Roman Empire and lasts until 1830. During

this stage, the parish is mainly an ecclesiastical unit. Its origin is associated with the rural expansion and the need to create nuclei of Christianity outside the cities. The Catholic Church was often the only support for the parishioners (*fregueses*) and their congregation. Rural parishes evolved to become a community with distinctive identity. These communities were self-administered by neighbors, featuring a popular judiciary system, initially elected and later confirmed by the king who exercised the authority through the elected judge. In these communities, the priests took on an important role.

During the Liberal Monarchy Period (1820–1910), the legislators were hesitant to assign functions of public administration to local parishes. In 1830, many religious institutions were secularized and a more clear separation between church and state was undertaken. Parishes were incorporated into the administrative system as civil parishes (*paróquias civis*) as opposed to religious parishes (*paróquias eclesiásticas*). During the second stage of parish evolution (1830–1878), the indecision regarding the institutional model of the parish persisted. Decree No. 23 of May 16, 1832, excludes parishes from the division of the territory and the administrative organization by considering them a mere social and religious aggregate. Three years later, the Law of 25 April 1835 attributes administrative functions to the parishes. The Administrative Code of 1836 designates the “administrators of municipalities” and the “commissioners of the parishes.” Secular parishes replace their traditional administrative structures with a modern administrative system and take on various tasks, including the management of assets and income belonging to the parish. In 1836, a major territorial reform eliminated close to 500 municipalities. After the reform, the large average size of municipalities created an opportunity for the survival and thriving of parishes as SMUs in charge of specific tasks.

Balancing between progresses and setbacks, it was only in 1878 that the parish was definitely included as part of the Portuguese administrative system, initially designated as civil parish (*paróquia civil*) and later taking on the name of *freguesia*. After 1878, the Catholic Parishes remained *paróquias*, but their political equivalent became the *freguesia* (Pereira and Almeida 1985). Thus began its journey of consolidation as an administrative unit, maintaining its connection to the Catholic Church that would only be abandoned with the First Republic (1910–1926). After a period of setbacks and loss of political autonomy during the Estado Novo dictatorship (1926–1974), the parishes regained their place in the Portuguese administrative system after the Democratic Revolution in April 25, 1974. Currently, after the territorial reform of 2013, the entire territory of Portugal is divided into 3092 SMUs of the 308 municipalities.

LEGAL FRAMEWORK, STRUCTURE, AND ORGANIZATION

The Portuguese Constitution organizes the state in terms of administration at four different levels: direct, indirect, autonomous, and independent. Local authorities are characterized as units of self-government (Articles 235–243) and, together with the administrative regions and public associations, comprise the state’s autonomous administration. Unlike the direct administration of the state, local authorities do not pursue, through their competencies, powers delegated by direct administration, but rather seek to satisfy the needs felt by the citizens residing in their territories. Local authorities have a high level of autonomy vis-à-vis the central government, since this government can only assess and review the legality of their actions (*tutela administrativa*) with no power of oversight as it does with the direct and indirect state administration. Municipalities are thus defined as public bodies and their territory recognized for seeking to meet the interests of the people that elected them.

Article 236 of the Portuguese Constitution recognizes parishes as full-fledge local governments. Their organization and powers are defined in Law No. 75/2013, September 12. Parishes have democratically elected leaders, including both an executive and a legislative body. The Law defines the Parish Assembly (*Assembleia de Freguesia*) as the deliberative body elected by universal suffrage in proportion to the number of voters. Parish council size is determined according to Law 169/99, September 18 (see Table 9.1). Typically, the Assembly meets in ordinary sessions four times a year and in extraordinary sessions in situations prescribed by the Law.

The Parish Executive (*Junta de Freguesia*) is composed by the parish president and a variable number of cabinet members, two of which will be the secretary and the treasurer during the executive’s term in office. The

Table 9.1 Parish council and parish executive size

<i>Registered voters</i>	<i>Parish council</i>	<i>Parish executive</i>
Less than 1000	7	2
Between 1000 and 5000	9	
Between 5000 and 20,000	13	4
Between 20,000 and 30,000	19	6
For each additional 10,000	+1	

Source: Law 169/99, September 18

parish president is the first candidate on the list receiving most votes to the parish council. The size of each parish executive also varies according to the number of registered voters. The rules are defined by Law 169/99 and presented in Table 9.1.

For the president of the parish executive, the choice between a part-time and a full-time term in office depends on a combination of the number of voters and the area of the parish. The full-time term of office is allowed only in parishes with more than 10,000 voters or, having more than 100 km², in parishes with more than 7000 voters. There is also the possibility of a full-time term in office as long as the salary of the president does not exceed 12% of the total revenues of the parish.

The other members of the board, the secretary and the treasurer, exercise their mandates in accordance to the system applicable to the parish president. Thus, if the president holds office full-time, s/he can share the full-time or part-time with the remaining members of the executive. For example, if the president chooses full-time, s/he can exercise the mandate in part-time, assigning one of the other members of the executive the other half-time.

BASIC FACTS AND FIGURES

Civil parishes are the smallest unit of local government in Portugal and their boundaries are completely contained within a single municipality. The number of parishes per municipality varies significantly, ranging from 1 (in 6 municipalities¹), where the boundary of the parish coincides with the boundary of the municipality, up to 61 (in the municipality of Barcelos), where each parish is essentially equivalent to a neighborhood government.

Parish assembly elections are held on the same day of the municipal executive and municipal council elections. Given the concurrency of local elections, it is not surprising that the descriptive statistics are extremely similar. The average turnout rate in sub-municipal elections in 2009 was 65.5%, ranging between a minimum of 31.4% and a maximum of 92.1% with a standard deviation of 9.49. Similarly, the values for the municipal elections include a 65.9% turnout rate, ranging from a minimum of 46.3% to a maximum of 82.4% with a standard deviation of 7.52.

Tables 9.2 and 9.3 illustrate the extent of what can be called sub-city polycentricity in Portuguese municipalities. The data included in both tables refer to the number of parishes existing before and after the territorial

Table 9.2 Parishes per number of registered voters

<i>Number of registered voters</i>	<i>Before the reform (2013)</i>		<i>After the reform (2013)</i>	
	<i>Parishes</i>	<i>%</i>	<i>Parishes</i>	<i>%</i>
Less than 150	177	4.16	7	0.23
Between 150 and 1000	1989	46.79	1405	45.44
Between 1000 and 5000	1637	38.51	1288	41.66
Between 5000 and 20,000	375	8.82	299	9.67
More than 20,000	73	1.72	93	3.01
Total of civil parishes	4251	100	3092	100

Source: DGAL—*Direcção Geral das Autarquias Locais* (2003, 2014)

Note: An average of 2483 inhabitants per parish before the reform and an average of 3414 inhabitants after the 2013 Reform. The average number of inhabitants in the 308 municipalities is 34,273

Table 9.3 Parishes per area in square kilometers

<i>Parishes</i>	<i>Before the reform (2013)</i>		<i>After the reform (2013)</i>	
	<i>Parishes</i>	<i>%</i>	<i>Parishes</i>	<i>%</i>
Less than 1 km ²	70	1.65	2	0.06
Between 1 and 5 km ²	943	22.18	378	12.23
Between 5 and 10 km ²	931	21.90	581	18.79
Between 10 and 50 km ²	1928	45.35	1719	55.60
Between 50 and 100 km ²	226	5.32	248	8.02
Between 100 and 200 km ²	123	2.89	118	3.82
Between 200 and 400 km ²	29	0.68	42	1.36
More than 400 km ²	1	0.02	4	0.13
Total of civil parishes	4251	100	3092	100

Source: DGAL—*Direcção Geral das Autarquias Locais* (2003, 2014)

Note: On average, each parish had 21.66 km² before 2013 and 29.78 km² after the 2013 Reform

reform of 2013. Table 9.2 displays the number of parishes corresponding to five categories of registered voters as defined by the Portuguese legislation. Table 9.2 shows that many parishes were extremely small: 177 parishes (4.16%) have less than 150 registered voters and 1989 (46.79%) have between 150 and 1000 registered voters. The reform of 2013 aimed at reducing this numbers significantly, though more than 45% of the freguesias still have less than 1000 registered voters. Table 9.3 demonstrates that the variation in parish size is also territorial: almost one-third of the

parishes have, now, less than 10 km² (approximately 3.86 miles²) and only a few hundred are larger than 50 km² (20 miles²).

The initial intent of the territorial reform, which modified the *freguesias* demographical criteria with a stronger differentiation between urban and rural areas, was to reduce its total number by half. It was clear that the main goal was not to increase the efficiency of local administration by means of merging municipalities, but by reducing the number of *freguesias*. They still present several structural imbalances: with weak administrative powers, uneven in terms of registered voters, limited in resources, and highly dependent on the municipality in financial revenue and new competencies.

LOCAL GOVERNMENTS OR INTRA-MUNICIPAL UNITS?

Competencies, Powers, and Services of Freguesias

By their very nature and size, the parishes are designed to perform tasks in close proximity and interaction with their citizens. In most instances, the parishes encompass less than 5000 registered voters (see Table 9.2) and cover a small territorial area (see Table 9.3), retaining an important role as “neighborhood governments.”

Law no. 75/2013 lists the functional areas where the parishes can exercise their activities: rural and urban equipment, public supply, education, culture and sports, primary healthcare, social welfare, emergency management, environment, economic development, urban and rural land use management, and community protection. Potentially, this is a broad set of functions, but the reality is that human, financial, and technical resources of parish governments are far too limited to allow the implementation all these attributions assigned by law. Recognizing these limitations, the same law defines a more specific set of tasks to be performed by the parish governments (Article 16), including, but not limited to management of children playgrounds and small sports facilities, conservation of public fountains, maintenance of signposts and vertical signs, pathways and sidewalks, management and maintenance of parish properties, graveyard management, maintenance and cleanliness of public washrooms and bathrooms, supply of cleaning products to first grade schools and kindergarten establishments, maintenance of public transportation shelters, registration and licensing of cats and dogs, voter registration, licensing of street fairs and carnivals, and assorted declarations and attestations solicited by citizens. In practice, the parish governments tend to provide these specific services rather than extensively engage in service provision along the broad

functional areas mentioned by Law no. 75/2013. In addition, the parish council has the authority to approve the delegation of tasks through contractual agreements between the municipality and the parish.

SMUs Finances

The parish revenues come from several sources. According to Article 24 of Law 73/2013, the parish governments have own-source revenues, including the revenue resulting from the property tax over rustic/rural buildings, 1% of the property tax collected over urban buildings, fees charged for services provided by parish governments, street markets and fairs, cemeteries, fines and penalties established by law, income derived from property rental, and revenues from concession contracts.

Another major source is revenue sharing by the Portuguese National Government in accordance to Article 238, number 2, of the Portuguese Constitution. According to Article 36 of Law 73/2012, parishes are entitled to a Financial Grant (*Fundo de Financiamento das Freguesias*) corresponding to 2% of the mean of the revenues from personal income tax (IRS), corporate income tax (IRC), and sales tax (IVA) collected in the previous year. The grant is shared by the parishes in line with the criteria identified in Article 38 of the same piece of legislation: parish type (urban, moderately urban, and rural), population density, population, and area. The formula is pre-determined and fixed, thus protecting parishes from manipulation by the national government(s).

Parishes can also rely on short-term credits and loans contracted by the parish executive and approved by the parish council. The credits cannot exceed 10% of the Financial Grant transfer from the national government and the total debt of each parish cannot surpass 50% of total revenues from the previous year.

In contrast, parish revenues also include discretionary grants and transfers by the municipal executive and approved by the city council. These transfers from the municipality to its parishes entail a significant amount of discretionary power by municipal governments, since they are not based on a fixed formula. This is one of the most relevant features of local government's autonomy in Portugal. Even though *freguesias* are considered to be full-fledge local governments, they are historically confined to the municipal borders, their budget and competencies are highly dependent on municipalities' discretionary powers, and—therefore—politically nudged to permanent negotiation with the municipal executive.

Relationship with the Municipal Level

Mayors in Portugal are elected through a closed list proportional representation system. Local elections are mostly partisan elections, even though citizens can present nonpartisan lists since the approval of Organic Law 1/2001 of August 14. One of the unique traits of the executive branch of local government is the formation of minority executives, a product of multiparty elections and proportional representation. On rare occasions, the winning party (and the mayor in office) may not have the majority of members in the cabinet executive. In theory, this suggests political instability and ungovernable municipalities, but practice indicates that the overwhelming majority of municipal executives is stable and lasts the full election cycle.

City councils are responsible for budget approval, set up land use plans, sell municipal bonds, set municipal tax rates, and approve local ordinances and regulations. National legislation imposes a mixed composition of the city council combining parish representatives and at-large elected members. Parish representatives can never outnumber council members elected at-large. As a general rule, the number of members elected at-large needs to exceed in one the number of parish representatives. Consequently, city council size varies with the level of fragmentation of the municipality in SMUs. City councils include all parish presidents (a Portuguese equivalent to district-elected councilors). In municipalities with only a few parishes, the minimum number of elected council members is 15, corresponding to three times the number of members of the municipal executive. Table 9.4 displays the number of parishes per municipality in Portugal (including the Azores and Madeira islands).

Table 9.4 Number of parishes per municipality

<i>Parishes</i>	<i>Before the reform (2013)</i>		<i>After the reform (2013)</i>	
	<i>Municipalities</i>	<i>%</i>	<i>Municipalities</i>	<i>%</i>
Less than 10 parishes	164	53.25	182	59.09
Between 10 and 20	88	28.57	92	29.87
Between 20 and 30	27	8.77	21	6.82
Between 30 and 40	18	5.84	10	3.25
Between 40 and 50	2	0.65	2	0.65
More than 50	9	2.92	1	0.32
Total number of municipalities	308	100.00	308	100.00

Source: DGAL—*Direcção Geral das Autarquias Locais* (2003): www.portalautarquivo.com. INE—Instituto Nacional de Estatística (2016): www.ine.pt

Note: On average, 14 parishes per municipality before the reform and 10 parishes after the 2013 Reform

TERRITORIAL REFORM OF PORTUGUESE SMUs

The territorial organization of Portuguese parishes has remained fairly stable over more than a century of existence and was created at a time when population isolation in remote areas required proximity to some type of local authority. Over the years, new parishes were created in heavily populated urban areas without a corresponding reduction in rural areas affected by significant depopulation. As a result, the number of parishes grew significantly, reaching a maximum of 4259 by 2012.

The debate about the territorial reform of Portuguese local governments is not new, as there have been concerns about the inadequacy of the size of local government units and the major population shifts over the past five decades due to rural–urban migration and significant loss of population in almost two-thirds of the municipalities. However, political action on this matter was only undertaken after the Memorandum of Understanding signed by the IMF/EU/ECB and the Portuguese government during the sovereign debt crisis in 2013:

3.44. Reorganise local government administration. There are currently 308 municipalities and 4259 parishes. By July 2012, the government will develop a consolidation plan to reorganise and significantly reduce the number of such entities. The Government will implement these plans based on agreement with EC and IMF staff. These changes, which will come into effect by the beginning of the next local election cycle, will enhance service delivery, improve efficiency, and reduce costs.

In Portugal: Memorandum of Understanding on Specific Economic Policy Conditionality (2011)

The document clearly identifies the need to promote a territorial reform of *all* Portuguese local governments, but the government led by Prime Minister Pedro Passos Coelho opted for the amalgamation of parishes, leaving municipalities out of the territorial reform to avoid further political confrontation with vested interests at the local level. The municipal amalgamation option has met with strong resistance, since local identity sets in this case a strong societal base (Stoker 2011) for Portuguese local government (Teles 2016). The enactment of a territorial reform focusing exclusively on parishes was the price paid by the national government to fulfill the requirements of the Memorandum of Understanding without affecting the map of municipalities.

Nevertheless, the reform of the territorial map was a key element of the reform program and the reduction of parishes was inevitable, and a way of

presenting the results agreed during the bailout negotiation. However, the substance of the reform, in particular concerning the criteria on which this reduction was based, since civil parishes reflect the value of proximity and democratic accountability, was never under real consideration. Furthermore, the simple merging of these units did not have the expected budget cuts effects.

Political consensus around a significant policy of local government mergers was difficult to attain, particularly when the largest parliamentary parties are highly dependent on their local members and municipal structures, and are, at the same time, historically the ones with most seats at the local level. To produce significant changes, particularly when local borders represent deeply rooted and unaltered territorial identities, would inflame popular resentment against these parties (Teles 2016).

The Council of Ministers Resolution 40/2011 of September 22, also known as The Green Document of the Reform, highlighted four areas where reforms should be undertaken: local corporate sector, territorial reorganization, municipal and intermunicipal management and finances, and local democracy. The first three areas were converted into more or less successful reforms, whereas the fourth was simply ignored, as it was regarded as having less impact on efficiency and cost savings.

With regards to territorial reorganization, the Green Document stated that the main goals were to improve the size and scale of parishes in order to address problems related to the increasing depopulation of the Portuguese territory, the partial overlapping of responsibilities between municipalities and parishes, the excessive sub-municipal territorial fragmentation, and the diminished financial capacity of parish governments. The limitations faced by parishes were regarded as detrimental to the quality of local democracy, since extremely small parishes lack critical mass for democratic practice and a large proportion lacked human, financial, and technical capacity to deliver public services in an effective and efficient manner.

One of the expectations regarding the territorial reform present in the Green Document was that amalgamated parishes could provide better public services to their citizens and, where possible, pursue other responsibilities delegated by the municipalities. This was to be accomplished respecting local specificities, namely differences in terms of population density and urban/rural locations, and keeping parishes as units with social, cultural, and historical identities. So far, no empirical studies have been conducted to assess whether these pre-reform claims have held.

The scarcity of revenues prevents parishes from exercising their autonomy, especially if we consider the proportion of total revenues resulting from transfers from upper levels of government. This excessive financial dependence of the parishes limits their activities and the failure to reverse this situation transforms parishes into mere administrative arms of the state. Thus, the first goal of the territorial reform was an organizational one: amalgamated parishes would benefit from increased resources to assume their self-government status attributed by the Portuguese Constitution.

The second goal of the reform was a financial one. Amalgamated parishes could maximize revenues by virtue of their concentration into a lesser number of local units, rationalize spending on local elected officials, take advantage of scale economies in the delivery of municipal services, and better allocate financial resources transferred from upper-level governments.

Law 22/2012 of May 30 established the criteria for parish amalgamations. In highly dense municipalities (above 1000 residents per square kilometer) and population of 40,000 or higher, the Law required a reduction of 55% of parishes in urban areas and 35% in other areas (Article 6, number 1a). In municipalities with a population density between 100 and 1000 residents and population equal or above 25,000, the Law established a 50% reduction of parishes in urban areas and 30% of parishes in other areas (Article 6, number 1b). Finally, in low-density municipalities (below 100 residents per square kilometer) or below 25,000 residents, Article 6 (number 1c) defined a 50% reduction of parishes located in urban areas and 25% of parishes located in other areas. Article 6 exempts from amalgamation all parishes located in municipalities with four or less parishes and mandated amalgamation of all parishes with less than 150 residents (a total of 177 parishes were under this limit in 2012).

Although the reform was based on criteria mandated by legislation, there was some discretion regarding the actual amalgamation choices. Law 22/2012 allowed if the parish amalgamation maps and reform were proposed and approved voluntarily by the municipal council/assembly, as long as they respected the criteria established by the Law. Sixty-one municipalities opted for these voluntary mergers respecting top-down pre-defined criteria, whereas 168 were forced to accept the new map imposed by a Technical Unit of Territorial Administrative Reform (UTRAT) created by the national government to oversee the Reform. The remaining 49 municipalities of Continental Portugal were not subject to

any changes in their territories, given that they were already in accordance with the Law.

Based on the work developed by the UTRAT, Law 11-A/2013 of January 28 approved the new map of parish governments in Portugal. Annex 1 of the Law establishes new (larger) parishes created by amalgamation, new parishes created as a result of changes to their territorial boundaries, the headquarters of the newly created parishes, and the total number of parishes after the territorial reorganization. The Reform was effectively implemented with the local elections of September 29, 2013.

WHAT TO EXPECT FROM SMUs IN PORTUGAL?

The main question on the role of SMUs in Portugal still persists: can these local units be considered local governments? From a constitutional and legal perspective, the answer is definitely positive; this constitutes a singular case in the European territorial landscape, particularly since it is spread all over the Portuguese national territory. In addition, there is no differentiation between rural and urban, nor large and small areas. The *freguesias* constitute an important heritage of the medieval administration and governance, and in most cases of fundamental and deeply rooted local identities. Its inevitable integration into the democratic system of local self-government, during the democratic transition in Portugal, was not necessarily easy, but—nevertheless—impossible to avoid. The democratic constitutional design of the national governance system, particularly its sub-national government tiers required a peaceful and swift transition and adaptation from a long-standing and crystalized institutionalization of local government's arrangements. It would be impossible to consider the possibility of a profound change in the territorial and functional aspects of Portuguese local government.

This is precisely why the answer to the question of whether *freguesias* are *real* local governments is not as easy as presented above. Though with specific competences, constitutionally recognized, with elected bodies, financial resources, and—to a certain degree—considerable autonomy, these SMUs are—de facto—a division of the municipal territory into small units of governance and of democratic representation under the discretionary authority of the municipality's government. This control is exerted in several ways: be it as a consequence of the power to decide which competencies they control, on a yearly basis, be it as a result of the political decision of the majority regarding the annual transfers to the *freguesias*, or

as an outcome of the potential political (and party politics) control over the negotiations between the two authorities.

Portuguese local authorities are still working on the basis of a political and administrative system that resulted from the country's transition to democracy in the 1970s. And, if there is a difference in concepts, *freguesias* are fully fledged *local governments* from a constitutional perspective, but operate as *intra-municipal units* within the actual governance and electoral system. This historical construction of a multilayered sub-national governance system has, evidently, several challenges to meet. Concerning the *freguesias*, though they should not be considered in isolation from the other tiers of government, their two fundamental roles still need further attention: the proximity and democratic function, and the service provision role.

It is still too early to assess if the new structure resulting from the amalgamation reform is better fit for purpose, and whether the major reform goals have been achieved. Nevertheless, if there is one conclusion to take from this process, it is the fact that these SMUs were the only ones under territorial reshaping. The "smaller is better" argument was not strong enough and, at least, at the intra-municipal level, bigger units were implemented in search of efficiency.

The debate on local government in Portugal is open again with a set of decentralization reforms being suggested by the new socialist government, in office since 2015. The challenges met by Portuguese local governments are undeniable when confronted with the complex and multiple issues these reforms aim at. The local governments are increasingly seen as key facilitators of participatory processes, enabling collaborative local action. Therefore, to answer these challenges, it is appropriate to consider the character of places as having an important role regarding practices of citizenship and influencing citizen's capacity to engage in local affairs. Given its historical origins, and its strong identity and communitarian roots, especially in rural areas, this democratic role implies giving a particular attention to the future of *freguesias* in Portugal.

NOTES

1. The six municipalities with one parish are Alpiarça, Barrancos, Castanheira de Pêra, Porto Santo, São Braz de Alportel, and São João da Madeira. The Corvo Island, in the Azores archipelago, has no parishes and benefits from a special status under Portuguese law due to its extremely small size.

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Antonio F. Tavares is Associate Professor of the School of Economics and Management and member of the Research Center in Political Science at the University of Minho, Portugal. He is also Adjunct Associate Professor at the United Nations University—Operating Unit on Policy-Driven Electronic Governance (UNU-EGOV) in Guimarães, Portugal. He is co-editor of the *Urban Affairs Review*. His main research interests focus on the fields of local government and urban politics, particularly on public service delivery, territorial reforms and regional governance, and political participation. His recent publications include articles in *Policy Studies Journal*, *Public Management Review*, *Local Government Studies*, *Journal of Urban Affairs*, and *International Review of Administrative Sciences*.

Filipe Teles is Assistant Professor and Pro-Rector at the University of Aveiro, Portugal, and holds a PhD in Political Science. He is a member of the Research Unit on Governance, Competitiveness and Public Policy, where he has developed research work on governance and local administration, territorial reforms, political leadership, and innovation. Also, he is a member of the Governing Board of the European Urban Research Association, of the Steering Committee of the Local Government and Politics Standing Group of the European Consortium for Political Research, and of the Board of the Research Committee on Comparative Studies on Local Government and Politics of the International Political Science Association.

Sub-Municipal Units in Slovenia: Experiences from the Past and Policy Advice for the Future

Irena Bačlija Brajnik and Roman Lavtar

PREFACE

The aim of this chapter is twofold. First, to describe sub-municipal units in Slovenia according to legal framework and historical development that implies some type of path-dependency. To some extent, contemporary sub-municipal units territorially correspond to territories of sub-communal entities in socialistic regime, thus units that acted as government on a local level (however, not local self-government). Reminiscence of former regime on a local level therefore must exist. Second, the chapter provides meta-analyses on two aspects of sub-municipal units functioning: how these units are utilized as mechanisms for participation and to what extent are they endowed with authority to undertake their tasks. In conclusion, the authors provide opinion on the existing system of sub-municipal units in

I. Bačlija Brajnik (✉)
University of Ljubljana, Ljubljana, Slovenia

R. Lavtar
Ministry for Public Administration, Ljubljana, Republic of Slovenia

Slovenia and changes recently adopted strategy of the development of local self-government in Slovenia 2020 will bring to this system.

Since Slovenia is a jigsaw of extremely heterogenous municipalities (according to size), sub-decentralization is a method to overcome this problem. However, since sub-municipal units were in the first Law on local self-government from 1994 (article 18), when municipal map was not drawn yet, it is unlikely that it was implemented as a tool for bridging the problem of territorial asymmetry, but more as a modernization according to European Charter on Local Self-government. There are almost 1200 sub-municipal units in 212 municipalities in Slovenia today (out of 212, 138 municipalities have implemented them), with population from 9 to 34,340. This chapter describes why, how and when sub-municipal units were introduced to Slovene local self-government system. It explains some specifics that were caused by path-dependency and concludes with results of a few research conducted on the level of sub-municipal units.

INTRODUCTION

Local self-government in Slovenia has a long-lasting tradition. The first municipal representatives in the territory of nowadays Slovenia were elected after the March Revolution under Habsburg monarchy in 1850. Dozen years later, the monarchy provided law on municipalities, which framed the regional legislation on municipalities. From then on, the local self-government changed several times until 1955 when the municipal system was abolished. After ideological switch of political system, the municipality was so-called socio-political community functioning in the name of a state. Discontinuity lasted almost 40 years, until the Constitution of the Republic of Slovenia in 1991 placed Slovenia back among the countries with modern local democracy. After local self-government reform in 1994, when new municipalities replaced the former 62 communes, the number of municipalities was constantly increasing. In 1994, 147 municipalities were formed, in 1998 another 45 municipalities were added, in 2002 one more, in 2006 additional 17 and in 2011 one municipality. The last municipality was established in 2015. There are currently 212 municipalities in Slovenia and are size-wise very heterogeneous (see Table 10.1). In spite of relatively large number of municipalities, the average number of inhabitants per municipality is still around 10,000 which places Slovenia in the middle of the scale compared to EU countries.

Table 10.1 Slovenian municipalities

<i>No. of inhabitants</i>	<i>No. of municipalities</i>
Less than 1000	6
1000–5000	105
5000–10,000	48
10,000–50,000	49
50,000–100,000	2
More than 100,000	2
Total	212

Source: Ministry of Public Administration 2016

Municipal heterogeneity brings about many problems. Among them smaller municipalities' inability to perform more complex or even basic tasks (see Prebilič and Bačlija 2013) and,¹ inability of decentralizing competencies from national to local levels due to legislation that defines all municipalities as equal (thus bigger municipalities must not have competencies that smaller cannot undertake). A classical solution to overcome size heterogeneity without major territorial reform is sub-decentralization. Essentially, big municipalities should be *divided* into manageable pieces. (Sub)decentralization, according to Stren (1993), comprises a jigsaw of three complementary dimensions. First is *administrative sub-decentralization*, which encompasses a deconcentrating of public services to sub-local level; second is *civil society decentralization*, which is based on encouraging direct citizen participation on decision-making at the sub-local level; and third is *political sub-decentralization*, where powers are delegated to the lowest (sub-local) levels of representative political bodies (Goldfrank 2002; Yates 1977). Slovenia has regulatory framework to implement sub-municipal units since first Law on local self-government in 1994. Until now, 138 municipalities (out of 212) have implemented them, and there are almost 1200 sub-municipal units (see Table 10.2). Similar to municipal heterogeneity, sub-municipal units also vary in size dramatically, with population stretching from 9 to 34,340.

HISTORICAL OVERVIEW OF SUB-MUNICIPAL UNITS IN SLOVENIA

In 1955, in Slovenia, the socialistic commune system was introduced and the commune was seen as the fundamental, socio-economic unit with extensive jurisdiction and a place where the local people could realize all

Table 10.2 Sub-municipal units in numbers

<i>Year</i>	<i>No. of SMUs</i>
1973	1019
1983	1190
1993	1203
2013	1198

Source: Statistical Office of the Republic of Slovenia (SURS) and The Agency of the Republic of Slovenia for Public Legal Records and Related Services (AJPES)

of their needs. It represented the community facing the state, because the state was understood as an institution based on exploitation and domination, therefore, alienated from the people. But still we find a similarity with the state because it performed all public matters regardless of their local, general, or national importance. This differs from modern municipalities, but the approximately 1200 local communities of that time still had the jurisdiction for performing tasks of local importance, with which all the common needs of the local population are met (Grafenauer 2000, 300; Šmidovnik 1995, 154; Vljaj 2006, 27–28; Ribičič 1994, 37). Local communities as the optional sub-municipal units of that time were mentioned in the constitution of 1963. It stated that in them citizens organize communal, housing, economic, cultural, social, educational and other activities with which they directly satisfy their personal, family and household needs as well as influence on the development of the settlement (Grafenauer 2000, 321).

At the time of the transition from the old into the new local self-government system, we had 62 municipalities in Slovenia. First status changes of sub-municipal units cannot be limited only to the period after Slovenia's independence in 1991. The changes already occurred with the acceptance of constitutional amendments in 1989, which limited the jurisdiction of sub-municipal units to cooperation in public affairs and decision-making about questions of common importance inside the municipality. The constitution of 1991 and the Local Self-government Act of 1994 still preserved the sub-municipal units, but their status and tasks were changed (Lavtar 2007, 50–51). Despite constitutional changes, the number of sub-municipal units remained relatively high (i.e. 1203 SMU in 1993).

After independence, Slovenian new constitution has no provisions on sub-municipal units. But the tradition of their existence was so long and deeply rooted among people that new Local Self-government Act could

not avoid them. Though in 2013, there were still 1198 SMUs. However, their role in the local self-government system changed dramatically. Sub-municipal units serve now as optionally implemented mechanisms in the municipality and not as supplement municipal entity, albeit their territory often coincides. Before the system of sub-municipal units was implemented, there were different visions of what these units will bring about. On one hand, the policy decision makers counted on the existence of sub-municipal units as an obstacle for establishing even larger number of even smaller municipalities. On the other hand, people involved in sub-municipal units (i.e. former local communities) believed that new sub-municipal unit will remain the 'shrunk municipality', the one they were used to work in prior to the reform. They were both wrong. Existence of sub-municipal units did not prevent the establishment of numerous municipalities (many of them small). And people engaged in sub-municipal units were bitterly disappointed because their scope of working autonomy was limited.

NORMATIVE/LEGAL ANALYSES OF SUB-MUNICIPAL UNITS IN SLOVENIA

The principles of local self-government for 47 European member states are defined by the European Charter of Local Self-government,² which was ratified by Slovenia in 1996. Sub-municipal units are not explicitly mentioned. In Slovenia, the sub-municipal units are regulated more in detail by normative acts at the national as well as the municipal level. As already mentioned, sub-municipal units are not constitutional category. The Constitution provides the role and the position of local self-government in Articles from 138 to 144. In addition, the Article 9 defines that in Slovenia the local self-government is provided. Sub-municipal units are exclusively mentioned in the Local Self-government Act.³ Article 18 stipulates municipalities to organize local, village or urban communities, that is sub-municipal units. The name and area of the sub-municipal unit shall be defined by the municipal statute. The statute contents the number of sub-municipal units, their territory, organs, position and tasks. The municipalities have the possibility to solely decide upon the existence, the size, tasks and name of its sub-municipal units. Taking into account the territorial and demographic diversity of Slovenian municipalities, regulation of the size and the number of sub-municipal units is not an easy task. In addition, one must take into account historical, administrative,

cultural and other factors and/or area characteristics. SMUs can be entitled to following tasks: spatial planning, the provision of essential local public services, environmental protection, the maintenance of roads and other public areas, asset management, dedicated to the needs of the local population and promotion of cultural, sports and other social activities.

Citizens must be asked whether they want the sub-municipal unit or not. The last paragraph of Article 18 of the Local Self-Government Act stipulates that in case of the establishment or change of the sub-municipal unit area, the municipal council has to organize an assembly of local citizens or a referendum to find out the interest of its citizens in these areas and in accordance with this form and name the sub-municipal unit.

Article 19 defines that the body of a sub-municipal unit is a council, elected by the citizens. It is a representative body with a right to create motions or solutions regarding the life of the residents of sub-municipal unit. The municipal statute can establish that a sub-municipal unit has no council (Article 30, Paragraph 3). In such a case, the municipal council may, as its consultative body, set up the district, village or neighbourhood committees. The members of these committees are appointed and dismissed by the municipal council. They are appointed from the population with permanent residence in the district, village or neighbourhood. This model is not wide spread but is lately gaining more support by municipal elected representatives especially because the enthusiasm of citizens to participate in elections is evaporating. Second reason for stronger position of this model is the fact that it in comparison to elections demands significantly less public finance.

Generally, the tasks of sub-municipal units are defined by Article 19.b. The tasks related to the citizens in this area are transferred to the sub-municipal units with the municipal statute. The municipal statute has to define in detail the tasks, which are done independently by the sub-municipal units, as well as it has to define the type of their financing, principles, operation of its bodies and its legal status. The transferred tasks are defined in detail with a municipal decree. If the sub-municipal unit receives in its jurisdiction the implementation of a part of tasks, for which the municipality is legally obliged to perform, the conexity principle delegates that the municipality must provide the financial means for it. In Article 19.c, the Act stipulates that the municipal council can establish that the sub-municipal unit receives a status of a legal person governed by public law, represented by the council and therefore has the right to make legal transactions in the scope of the tasks, delegated with a decree or

municipality statute. If the sub-municipal unit has a legal person status, the municipality is accountable for its obligations with all its assets. Prior concluding financial obligation, sub-municipal unit is obliged to provide the consent of the mayor. More specifically, the internal organization and social relations inside the municipality are regulated with acts of local nature. Most commonly, these are decrees, orders, regulations, instructions and in some cases resolutions (Kaučič and Grad 2003, 343).

Sub-municipal units in Slovenian system of local government in terms of participation in decision-making at the local level have several dimensions. Firstly, it must be viewed in terms of the impact of citizens on carrying out local public services. Municipality can transfer certain tasks to the sub-municipal unit with decisive impact on the provision of services, with limited decision-making powers. Regulatory power remains at municipal council, but executive powers can be transferred to the sub-municipal unit. According to Local self-government Act, the delegation of control over decision-making, resources and activities of certain public services can be distributed to residents of sub-municipal unit. Secondly, the sub-municipal units' bodies are classified as consultative bodies to the municipal organs. They can better understand problems concerning a specific territory and its people and find acceptable solutions. Of course, the sub-municipal units adopt non-binding solutions, but municipal organs get to have better insight, perception and awareness of what are the interests of residents of sub-municipal unit. And thirdly, sub-municipal units are a form of direct democracy. The mayor can, by his own decision or by the initiative of the residents of sub-municipal unit, organize the assembly of residents to discuss certain topic.

On the other hand, the sub-municipal unit can be seen as the internal organizational structure of the municipality. However, such a solution does not need a democratically elected body, but authorized body directly responsible to municipality. Democratically elected council is therefore not essential; tasks carried out by other public institutions or public companies and other municipal agents, however, do not have such democratic rights. Regarding the position of council and board from this angle, some authors find paradoxical provision of the law that allows the transfer of tasks only to sub-municipal unit with elected council (Pirnat 2002, 3). However, representation of citizens as users of public services can be provided not only by direct suffrage at local elections but also with indirect election via municipal bodies or other public bodies.

The role of a consultative body, of course, raises the question whether its direct election really is the only solution. There are some practical issues to be addressed too. For example, at the 2014 local elections in 34 municipalities (out of 138 in which sub-municipal units are organized), there were not enough citizens to stand as candidates for sub-municipal council. Elections must have been repeated. Another practical problem is inoperability of directly elected council of sub-municipal unit (i.e. the majority of elected members of the council permanently do not attend the meetings of the council). The municipal council is not in the position to replace or depose them. On the other hand, the voters turn-out is consistently dropping (see Table 10.3). Since local elections take place simultaneously with election of SMU representative bodies, the voters turn-out is the same.

There is a third possibility: members of the representative body of sub-municipal unit can be appointed by residents at the public meetings of citizens. Unfortunately, this form is very rarely used in Slovene municipalities. It is simple to perform and cheap concerning costs in comparison with elections' costs. In addition, it can be performed more often than only every four years.

Sub-municipal units can have representative organ (council) elected on local elections. If so, according to Local Elections Act, it is elected at the same time as municipal council. It could have a shorter term of two years, but in practice, there is no such case. Double mandates (both at municipal and sub-municipal level) are allowed. The candidates shall be nominated by political parties or by groups of voters. Even when proposed by the same party or group of voters, the candidate lists for municipal council and sub-municipal unit must be separate. In this case, sub-municipal unit has more legitimacy as the committee appointed by municipal council.

Table 10.3 Voters turn-out at local elections in Slovenia (<http://www.dvk-rs.si/index.php/en>)

<i>Year</i>	<i>Turn-out %</i>
1994	61.1
1998	58.3
2002	72.1
2006	58.2
2010	48.8
2014	43.6

Source: State election Commission

But does it really have more power, or can we determine that this kind of representative body has more influence? The establishment of the sub-municipal units itself does not imply any legal or factual decentralization of municipalities (Brezovšek and Haček 2005, 194). Both the council and the board represent the population of certain territory inside the municipality and they contribute to democratic legitimacy. But legislation does not give any real opportunity to both organs in decision-making process. Sub-municipal unit is primarily a consultative body of the municipal council.

Political Participation in Sub-Municipal Units in Slovenia

According to Montin and Persson (1996), the implementation of sub-municipal units is an answer to problems of legitimacy, efficiency and democracy deficit in large municipalities. The main argument behind their implementation is that they would vitalize the political inflow side of local political system. This strategy puts stress on the citizens as political actors. The idea is that if people can be motivated to engage in local politics within the parties, it will make the whole municipality more vital as a democratic institution. Participation in local matters, it is believed, can enhance the sense of responsibility for handling common affairs at the local level.

Slovenian legislation provides with tools of direct local political participation.⁴ These qualities are applicable in small local communities but rarely used in big municipalities. Thus, forms of indirect political participation in a form of elected bodies may be more useful for large(r) municipalities. As already mentioned, sub-municipal units may establish elected sub-local councils. However, the question how this mechanism is utilized in practice is relatively under-researched. In this section, we will present (although a bit dated) one of the few researches regarding participation through sub-municipal councils.

Bačlija and Brezovšek (in Rosenbaum, Nemeč, 2006) have reported on the analyses of political participation in Urban Municipality of Ljubljana (hereinafter UML).⁵ The survey conducted in 2004 shows the estimated changes in the UML after the introduction of sub-municipal units as perceived by inhabitants, sub-municipal councillors and city councillors (see Table 10.4). In this early stage of implementation, residents expressed belief that the introduction of sub-municipal units failed to bring about considerable changes. According to them, political parties have slightly

Table 10.4 Evaluation of changes in UML after the implementation of city quarter communities

	<i>Inhabitants of UML</i>	<i>Sub-municipal councillors</i>	<i>City Councillors</i>
(N=)	(170)	(44)	(22)
The quality of life in municipality	3.05	3.00	3.14
Trust in local government	2.85	3.05	2.95
Strength of civil society groups	3.05	2.74	3.27
Strength of political parties	3.35	2.97	3.14
Differences between different groups in society	3.15	2.46	2.76

Source: Bačlija and Brezovšek (2006)

Note: The values are the average observations of respondents who were included in the survey. The respondents were asked to evaluate changes by selecting a value on the scale of 1 to 5 with 1 standing for 'reduced' and 5 for 'increased'. Value 3 meant 'neither reduced nor increased'

enhanced their power, whereas their confidence in local authorities has been weakened to some extent. Similarly, sub-municipal councillors saw that changes were minimal, nevertheless, they were convinced that the confidence in local authorities has improved slightly and that the influence of civil society groups has been less significant, with reduced contradictions between various groups being the most evident change observed. According to city councillors, political parties and civil society groups have slightly increased their power. Further, they believe that the quality of life has improved. They have noticed less contradiction arising between various groups. But the changes perceived are almost negligible. According to all categories of respondents, the introduction of sub-municipal units in Ljubljana brought about only minimal changes.

Within the same survey (*ibidem*), the evaluation of influence of different actors in decision-making process was also evaluated. Sub-municipal councillors were asked to evaluate the impact of certain players in the municipality (such as the mayor, city councillors, city administration, sub-municipal councils, political parties, citizens, various civil society organizations and local businesses). The results presented in Chart 10.1 portray political parties as the most influential players as regards the UML decision-making. According to sub-municipal councillors, the impact of the mayor, city councillors and UML city administration is roughly the same, whereas businesses are deemed to be least influential. According to sub-municipal councillors, sub-municipal councils are bodies having little effect on decision-making, whereas citizens are deemed to have minimum influence.

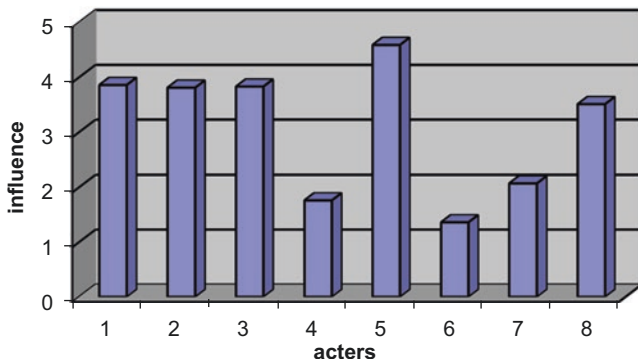


Chart 10.1 Assessment of influence on decision-making. Source: Bačlija and Brezovšek (2006). Key: 1 = mayor; 2 = city councillors, 3 = city administration, 4 = city quarter community councils; 5 = political parties; 6 = ordinary citizens; 7 = various civil society organizations; 8 = business operators ($N = 42$). Influence was assessed on scale 1–5 (1 = the lowest influence, 5 = the highest influence)

At the time of the research, sub-municipal units in Ljubljana case study did not increase participation. Even more so, Bačlija and Brezovšek (in Rosenbaum, Nemeč, 2006) believe that the implementation of sub-municipal units in Ljubljana served only as a disguise for greater citizen participation, when in reality they did not improve the participation processes at all.

However, citizens' participation is not in correlation with the size or other features. It is very commonly related to understanding of the meaning of participation and to enlightened local elected representatives. There are municipalities in which motivation of participation raises with the activities of municipal council and mayor (Lavtar 2007). And in other cases, it raises with the activity of sub-municipal unit. According to Ministry of Public Administration (MPA)⁶ in some municipalities like Urban municipality of Maribor and Municipality of Komen, in last two years there was a strong and consistent engagement in participatory budget. The budget is a contract between locally elected representatives and citizens. It must be prepared in accordance with transparency and accountability. In both mentioned cases, sub-municipal units played decisive role in organizing the public debate and providing additional proposals for financing public projects. In case of Municipality of Komen municipality organized public ballot on proposed projects. Those with the largest support of voters were included in the annual municipal budget.

Competences of Sub-Municipal Units

As already stated, municipality has full authority to define the level of autonomy of sub-municipal units as well as whether they enjoy fiscal, administrative or political power. SMUs have no own revenues, financial resources come from municipal budget. They also do not have their own administration; administrative help is provided by municipal civil servants. The main objective for implementing sub-municipal units is to overcome the problem of ‘locality’⁷ of large municipalities, thus it could be expected that larger municipalities were more likely to implement sub-municipal units and/or give them more formal authority (power decentralization). The research in 2010 (see Grabner and Bačlija 2012) concluded first, that there is a weak positive correlation between the municipality size and the number of sub-municipal units (Pearson’s coefficient = 0.324). This does not strongly support the main prediction that larger municipalities have greater number of sub-municipal units (thus, are divided into smaller units that are closer to the citizens)⁸; however, weak connection can be observed.

Secondly, the research revealed that largest municipalities are not more likely to delegate more power to sub-municipal units (regardless of the number of established sub-municipal units). When categorizing delegated power into three categories (decision-making powers, cooperation, non-obligatory propositions), it becomes obvious (1) that sub-municipal units serve mostly as advisory bodies and (2) that there is no differentiation in the level of delegated powers regarding the size of the municipality (see Table 10.5).

Table 10.5 Size of the municipalities vis-à-vis delegated power to sub-municipal units

<i>Municipalities by size (N = 73)</i>	<i>Decision-making powers</i>	<i>Cooperation, coproduction</i>	<i>Gives proposals (non-obligatory)</i>
Up to 80 km ²	76 (14%)	218 (39%)	260 (47%)
From 80.1 km ² to 180 km ²	125 (20%)	229 (37%)	262 (43%)
From 180.1 km ²	83 (16%)	204 (39%)	235 (45%)

Source: Grabner and Bačlija (2012)

CONCLUSION AND PERSPECTIVES

One of the ways fostering citizens' participation in decision-making process at the local level is additional organizational commitment of municipalities. In this respect, the municipalities have the same problem as all other levels of power, the democratic deficit. The citizens and local authorities are bound to sustained in-depth dialogue in the future. Participating only every four years in the local elections is no longer a political imperative. Residents shall be invited to the continuous cooperation, they must be informed and must have the right to express their views.⁹ Therefore, sub-municipal units have a significant role to play in the future. Sub-municipal units are not only a territorial organization of the municipality, but also a tool for active participation of citizens in the preparation of decisions and for service provision. In spite of the results of empirical studies, sub-municipal units can have their opportunities in the future.

Slovenian government adopted at the end of September 2016 the Development strategy on local self-government in Slovenia until 2020. In a relatively short document, a special part is dedicated to the future role of the sub-municipal units. It gives a strong message to locally elected representatives about the importance of SMU for legitimacy of local democracy. The activities are aiming at strengthening the role of sub-municipal units, at simplifying of forming their bodies and at playing a greater role in participating in decision-making of municipal bodies, including drafting better local regulations. In order to strengthen the role of the SMU as tool for citizen's participation at the local level, the Ministry of Public Administration prepared the proposal for amending Local Self-government Act (LSGA) to simplify the functioning of SMU in the future.¹⁰ The proposal is aiming to unify the modalities of SMU, lessen administrative burden and cut operating costs of SMUs. Municipalities Associations are ambivalent to proposal. On one hand, they support the proposal because it would help municipalities in creation of SMUs and their operation. On the other hand, they fear of rejection of members of SMU's councils, since the proposal will enable municipalities' bodies to have greater insight in costs and money flow. In any case, the most important message of the above-mentioned strategy to municipalities and SMUs is: use SMU as a participating tool, inform citizens and invite them to cooperate with municipal and SMU bodies in creating future development plans, spatial and environmental projects and in forming participatory local budgets.

NOTES

1. The system lacks upper (regional) level of local self-government, albeit some functional structures are in place to overcome regional absence.
2. Official Gazette of the Republic of Slovenia 57/1996.
3. Official Gazette of the Republic of Slovenia 94/2007—official consolidated text OCF, 76/08, 79/09, 51/10, 40/12—ZUJF in 14/15.
4. Slovenian local self-government system enables citizens to participate in different forms of direct local participation. The most direct is the municipal assembly. It is an assembly of all the inhabitants of a local community. Unlike other forms of direct decision-making, the municipal assembly is an informal convention in which all inhabitants can collaborate, making it therefore an important element of cohesiveness and integration in the local community. Another form of direct democracy in the municipality is a referendum. A referendum is of a more recent origin than the municipal assembly and it is also a more formalized and organizationally and financially demanding form of local democracy. The third form of Slovenian local democracy is called the ‘popular initiative’. The institute of popular initiative enables a group of at least 200 local residents to demand an arrangement of any local issue from representative body. The fourth form of direct local democracy is the right to petition. This right enables people to send written petitions to a representative body.
5. At the end of March 2001, Ljubljana city council of has established seventeen sub-municipal units with elected sub-municipal councils.
6. Written correspondence between the MPA and both mentioned municipalities, Ljubljana 2015–2016.
7. Alienation of citizens to their local environment (see Vrhovac and Bačlija 2008).
8. The number of inhabitants within a single sub-municipal unit varied between 9 and 34.340 citizens, and the number of sub-municipal units per municipality was between 2 and 29. Territorial asymmetry is obviously also mirrored to the sub-municipal level.
9. Public Information Access Act, Official Gazette No. 51/2006, 117/2006, 23/2014, 50/2014, 19/2015 and 102/2015) and Resolution on Legislative Regulation Official Gazette No. 95/2009.
10. The proposal is being presented to three existing associations of municipalities in Slovenia; according to ministry’s regulatory plan, the LSGA should be amended before the end of 2017.

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Irena Bačlija Brajnik, PhD in Political Science, is Associate Professor at the University of Ljubljana (Faculty for Social Sciences, Department for Policy Analyses and Public Administration), Research Fellow at the Centre for Spatial Sociology (Institute for Social Sciences), and author and co-author of numerous scientific articles and monographs published internationally. He is a Consultant at the Ministry of Public Administration (2016–) and a guest lecturer at Comenius University Bratislava (Slovakia).

Roman Lavtar, PhD in Political Science, has more than 20 years on high management positions in public administration, currently head of Local Self-government Service in the Ministry of Public Administration. He was a member of the State Administrative Exam Commission (2003–2008) and a member of the State Electoral Commission (2011–2012). He was foreign consultant for OSCE and UNDP in Monte Negro on state administration reform (2003–2005), Bosnia and Herzegovina on local self-government reform (2008) and Kosovo on legislative drafting techniques (2011–2013). He was a member of the European Committee on Democracy and Good Governance (CDDG), Council of Europe. He was lecturer at the Faculty of Public Administration, University of Ljubljana on theory of public administration and local self-government (2005–2010).

Rural and Urban Sub-municipal Governance in Spain: The Contrasting Worlds of Lilliput and Brobdingnag

Carmen Navarro and Esther Pano

INTRODUCTION

It is commonly stated that the backbone of the Spanish local government system can be found in municipalities, with their governing elected officials (mayor and councilors), a substantial set of tasks and responsibilities, and the largest share (more than two thirds) of the total local public budget. However, beyond municipalities, there is a rich variety of multipurpose local entities that have been much less studied by the academia. Both above and below the municipal level of government, a densely populated world of institutions (e.g. provincial, inter-municipal, district) are also in charge of providing services and addressing public demands. Among them, sub-municipal units stand as a fascinating face of local democracy to

C. Navarro (✉)
University Autonoma of Madrid, Madrid, Spain

E. Pano
University of Barcelona I Fundació Carles Pi i Sunyer,
Barcelona, Spain

look at, not only due to their potential for accomplishing one of the values of local government, participation (Sharpe 1970), but also because, in their diverse forms, they embody two contrasting realities of self-government, with their distinctive traits, logics, and trajectories: the oldest—rural parishes—and the newest—urban districts.

Exploring sub-municipal units of government in Spain requires one to travel to two contrasting worlds: a Lilliputian world where, above all, very small municipalities in rural spaces transfer some functions to even smaller units, and a world of giants where large and very large cities try to find a way to improve effectiveness and make citizens' participation doable. The trip to Lilliput is, to some extent, a trip to past and tradition and, particularly, a trip to the North of the country, where most of the EATIM—entities of territorial area smaller than a municipality—are concentrated. The structure of these units as decentralized bodies of municipalities was already present in the nineteenth century and even now they are still known by their old designations: *concejos*, *pedanías*, *parroquias*, *aldeas*. The trip to Brobdingnag is a trip to the future, to the attempt of meeting the challenges urban spaces have from a democratic perspective. Through the introduction of districts' structures, local governments in urban agglomerations try to put in place a vehicle of citizens' participation while adapting services to the specific needs of the territory and improving in efficiency, effectiveness, transparency, and proximity.

Studying these units also demands identifying the different expressions of decentralized governance, their election and representation systems, legal framework, transferred tasks, financial aspects, and actual functioning. It points to relevant debates in democratic theory as well, generally around the question of to what extent these units manage to reinforce legitimacy and responsiveness of governments.

In order to offer an overview of the sub-municipal governance system in Spain, this work is structured in three parts. The first section will contrast the origin, regulation, and reform drivers of the two types of sub-municipal entities in Spain: rural parishes and urban districts. The two remaining sections will go into depth in each of these two worlds, analyzing the polity, political, and policy aspects.

SMU IN BIG AND SMALL LOCAL CONTEXTS: AN EXPRESSION OF TWO WORLDS

When Denters et al. (2014) referred to the concepts of Lilliput and Brobdingnag from the classic book *Gulliver's Travels*, they were obviously not thinking of sub-municipal units. The authors used these two ideal

worlds to depict two notions of local democracy, one based on a crowded system of small units, Lilliputians, and the other one on larger entities, Brobdingnagians. They contrasted these models as antithetical ideals of operation that might also implicitly refer to two complete sets of values. Although not originally conceptualized specifically for this issue, these two concepts might be equally useful for our discussion. The universe of SMU in Spain could just as well be characterized as the world of the small and the world of the big. Two distinct logics can be identified, and thus, nature, regulations, and status will be completely different.

Whereas the world of Lilliput is linked to a long tradition that is well documented and utterly regulated, the world of Brobdingnag is a world of casuistic innovation and self-regulation. Both expose the diversity of the Spanish municipal map, where 95% of the 8123 towns and cities have less than 20,000 inhabitants, while 70% of Spaniards reside in the other 5%. Each type of entity responds to distinct needs and features and, therefore, their related legal framework reflects the context in which they were created. Furthermore, it is not only that Lilliputians and Brobdingnagians are distinct; there is also considerable heterogeneity inside each category. The entities included in the first category can present clear contrasts. These entities receive the general name of EATIM, which stands for the Spanish expression “entities of territorial area smaller than a municipality,” although they might have a different denomination in some autonomous communities. On the other hand, the world of the big sub-municipal entities embraces a wide range of structures that are normally called “districts.”

The historical origins of EATIM are rooted in the traditional territorial structure, particularly in rural areas, where municipalities could be, and in fact still are, composed of diverse detached populated areas. However, they did not have institutional recognition until 1823, with a brief reference in a short-lived liberal period regulation (Pizarro 2002). The first specific regulation on EATIMs was contained in the Municipal Act of 1870, and they acquired the status of formal legal bodies in the Municipal Statute of 1924 (Pizarro 2002; Pallarès 2009). They reflect the reality of the Spanish municipal system composed of a large number of small units, following the pattern of the local systems of the Franco-Napoleonic group (Page and Goldsmith 1987; Bouckaert and Kuhlmann 2016). There are many elements that might introduce diversity into this group; some of them are related to the objective characteristics and others are a consequence of the quasi-federal legal system of Spain. First, as said before, these entities were normally connected to rural, sparsely populated areas, but not always, and particularly not for the newly created EATIM.

As a matter of fact, the traditional entity commonly consisted of a separate group of houses, even a distinct village; conversely, the most recently created EATIMs do not correspond to this pattern. Instead, some residential areas used this configuration as a mechanism to formalize their legal nature and to acquire some autonomy. The emergence of suburban residential areas since the late 1980s resulted in detached populated areas, sometimes with problems receiving attention from the municipalities and with specific demands such as lack of public services. The creation of an EATIM has sometimes been considered as a way to improve these situations. The process to become an EATIM is long and, depending on the regulations of the autonomous community, it may include referendums and other kinds of citizen consultation. They have to be authorized by the municipality but also by the autonomous community. Thus, this latter and more modern type of EATIM does not normally fit into the classic stereotype but into a brand new concept of urban design based on suburbs and residential areas. As a result, recently created EATIMs—since the 1980s approximately—can have rather larger populations. In fact, they can be even more populated than the original municipalities. A second element that incorporates variety is related to the decentralization of functions and regulatory capacity. Indeed, according to the Local Government Act (Law 7/1985), the regulation of these entities is a responsibility of the autonomous communities (the Regions of Spain) and, thus, 13 out of 17 autonomous communities have developed a distinctive legal framework. Certainly, some of them have been especially active in this field, but still the contents of the regulations have a common basis.

Special attention should be given to the last broad reform of the Local Government Act that entered into force in 2014 and included some changes in this matter. In the context of a severe economic crisis and according to the guidelines of European institutions, the Spanish Parliament approved a set of laws designed to restrict public expenditures and control public debt. Even though local finances presented favorable indicators, the myriad of Spanish local entities were in the eye of the storm and therefore some of the measures included in the texts aimed to reduce the number of bodies or organizations and erode the capacities of those remaining. EATIMs were affected by these measures, at least on paper. In the next section, the content of the reform will be carefully analyzed.

In reference to districts, these could be considered as a more recent creation; the first mention can be found in the Local Government Act of 1955. In fact, even though they were not recognized in the laws of the

time as functional entities, Madrid already had named districts as early as 1902. Later in the 1980s, the Local Government allowed the two largest cities in the country—Madrid and Barcelona—to establish these administrative divisions through their special regulations. For the remaining Spanish cities, the specific regulation “Measures for the Modernization of Local Government” approved in 2003 included a section addressing the organization of larger cities and the provision of districts for them.

After some discussion about what should be considered a “large city,” the law finally established several criteria to get that status and made mandatory for their local authorities the setup of districts as a way to involve citizens in public life. As depicted in the law, districts would be mechanisms of administrative decentralization whose main objectives were to increase participation in local affairs and to improve the process of service provision. The regulation of these entities is the responsibility of each city council and, therefore, they do not have a common framework. The city council decides all the relevant aspects such as territorial distribution, the political system and form of election, and the functions and internal organization. Consequently, there is wide diversity, although most municipalities have opted for a “low intensity” entity, closer to a participatory body than to a complete institution deciding on policy alternatives as well.

In sum, EATIM and districts refer to different settings of territorial conditions. EATIMs are found when there are detached settlements of population separated from the one where the city hall is, 95% of the cases in rural areas. Most of them are referred to very small municipalities and have a historical origin, while districts imply an urban and compact agglomeration that can be divided into territorial sections (see Fig. 11.1). Lilliput and Brobdingnag depict two different models of SMU but address similar problems. Both aim at responding to the distinctive needs of the territory and the particular features of towns and cities. In other words, both of them intend to create and increase the ties between governments, administrations, and citizenship.

EATIM, THE WORLD OF LILLIPUT

General Trends and Legal Framework

The traditional structure of this type of SMU, which was already present in the Municipal Act of 1870 (Orduña 2000; Pallarès 2009: 135), consists of decentralized bodies of the municipalities—normally small to medium

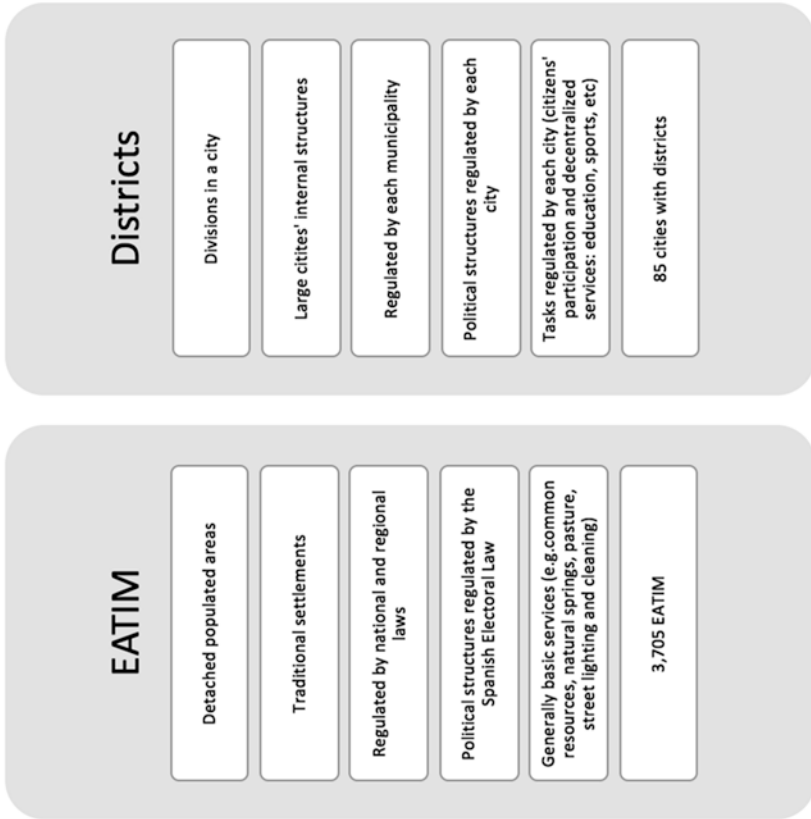
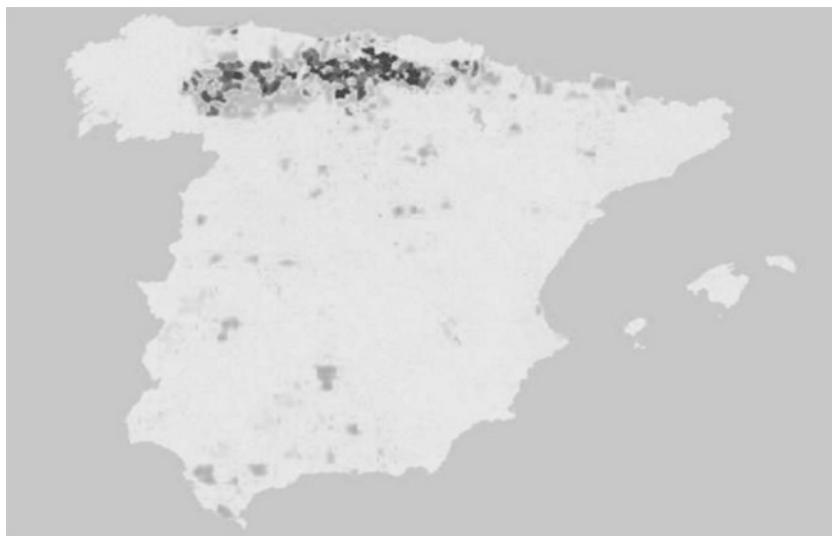


Fig. 11.1 Contrasting features of EATIM and districts. Source: own elaboration

towns. They are generally referred to as EATIM, although they can receive diverse designations in different autonomous communities (*concejos, pedanías, parroquias, etc.*). According to the most recent registry, there are 3705 sub-municipal units under this category. The distribution of these entities throughout Spanish territory is uneven, and most of them are concentrated in some specific areas (Map 11.1), particularly in the northern regions of Spain. As a matter of fact, more than 2200 EATIMs are located in one autonomous community (namely, Castilla y Leon). Most EATIMs have a weak organization and few material resources, and even though the global number is high—3705 of the total of 8125 municipalities—their accumulated population has been estimated at around 1.3% of the Spanish total (Galán and Galindo 2015: 48).

The general regulation of EATIM could be found in the Local Government Act (Law 7/1985), which awarded them the consideration of local entities. This was not a minor matter, since the Spanish Constitution guarantees autonomy and self-rule capacity to all local entities. The last reform of the Local Government Act (7/1985), which was approved during the last days of 2013 with the title “Law of Rationalization and



Map 11.1 EATIM in Spain. Source: Ministry of Public Administrations 2016 (darker colors indicate higher density of EATIM in the territories)

Sustainability of Local Administration” (Law 27/2013), introduced significant alterations in the legal status of these entities. This reform substantially modified Article 3.2 that had acknowledged EATIM as local entities. In fact, this precise aspect was directly eliminated and the articles of the law that had contained the legal framework of these entities were suppressed. The reform also foresaw the possibility of dissolution under certain economic conditions. Taking into account the complete text, the aspiration of the new regulation was to design a different framework that implied a lower level of formal recognition.

Even though this new regulation supposed a drastic alteration in the treatment of these entities, as a matter of fact, the actual situation could not have been genuinely impacted. In the first place, and as a general consideration of all the reforming texts, it is difficult to know to what extent these measures are being implemented. Although there is scarce empirical evidence, there are some signs that not all the content of the reform was completely applied.¹ In the second place, and involving specifically the EATIM regulation, the new juridical status only affects future organizations; those which were created before the approval of the reform would exist as formal legal bodies. Thus, the EATIM created prior to the enforcement of the reform will preserve their legal status but with a lower level of guarantees, while the future entities will consequently not be considered either independent formal bodies or local entities (Galán and Galindo 2015; Lucas 2014). It is difficult to ascertain the real outcome of this reform in actual terms and whether it will affect the potential emergence of new EATIM. What is clear is that it undoubtedly shows the central government’s desire for control and reduction of local entities.

The elimination of the legal status included in the Local Government Act does not prevent the autonomous communities from granting EATIMs a juridical framework. Actually, it increases the relevance of the regional regulation covering these areas. The autonomous communities were in fact already in charge of the regulation of EATIMs, but currently they remain as the only government responsible for their legal framework. Of the 17 autonomous communities, 13 have approved some kind of regulation for these entities, although the distribution of EATIM is utterly uneven. While only four autonomous communities account for more than 3400 entities (around 95%), the other nine have only around 275 in total.

ELECTION AND POLITICAL STRUCTURE

The legal regulation of the political structure can be found in the General Electoral Act (Law 5/1985) in Article 199. The law establishes some criteria and requirements for the elections and the political processes, but it also recognizes the capacity of the autonomous communities to develop a different process. After having analyzed the 13 existing regulations, there are some features that emerge as common to all of them. In general, there are at least three trends that can be identified:

1. Existence of a president and a collective body
2. Elections held on the same day as the municipal elections
3. Direct election of the president

Existence of a President and a Collective Body

The highest authority of the EATIM is the president (or *Alcalde Pedáneo*), who is elected directly by the citizens by means of a first-past-the-post system. In general, there will also be a commission or collegiate body composed of two to four members, depending on the autonomous community and on the size of the entity. The designation of these members can be made by two systems. The general procedure consists of a direct nomination by the political parties according to the electoral results, whereas in some autonomous communities, the body will comprise the other candidates for president of the EATIM who did not win the election (Pizarro 2002).

Elections Held on the Same Day of the Municipal Elections

The election will take place the same day of the municipal elections; according to the General Electoral Law (Law 5/1985), that would always happen on the fourth Sunday of May of the electoral year every four years; consequently, under normal circumstances, the term will coincide. Some specificities can be identified for some areas, such as the historic territory of Navarra concerning the formal procedure.

Direct Election of the President

The electoral system has a direct and majoritarian logic that diverges from the local electoral system in the country. The EATIM's president is directly

elected by the citizens, while mayors in Spain are elected indirectly by the council members—with some specific nuances for municipalities under 250 inhabitants. Therefore, the election is closer to the system applied in smaller municipalities. It can be argued that this is so because the majority of EATIM are small in population and, therefore, the legal system adopts for them the same principle of direct election as for the very small units of local government with several exceptions based on the regulation of autonomous communities.

TASKS AND FUNDING

The tasks of the EATIM can vary depending on the regulation of each autonomous community. However, most of them include functions related essentially to the administration of the territorial area and some public goods concerning cultural heritage and other public properties. In some cases, for instance, Catalonia, the EATIMs are responsible for municipal services such as public lighting and street cleaning. Other autonomous communities, such as Castilla y Leon, where more EATIMs can be found, also assign other highly specific functions, typical of rural contexts, for example natural springs, drinking fountains, and drinking troughs for animals. There is a common pool of functions for almost all EATIMs irrespective of the region of allocation; these are normally related to basic municipal services. Other particular tasks can also be identified that could be grounded in the traditional economic structure of each area.

Concerning funding, the regulation is included in Article 156 of the Local Finances Act (RDL 2/2004). According to this law, the EATIM cannot have their own taxes, but they may have some fees linked to the provision of services or public works or infrastructure. This situation leaves the EATIM in a highly weak and dependent relationship to the municipality where they are located. Some of the regulations of the autonomous communities try to specify other sources of funding such as municipal taxes, but their effectiveness remains uncertain.

EATIM, from Tradition to the Future?

EATIMs constitute a traditional form of local structure in the Spanish system that were originally regulated in the 1870 laws and have stayed in the legal framework ever since. The basic foundation of these entities lies in the needs of the towns and cities and in the specific situation of an

extremely fragmented local map. The last reform introduced requirements for their continuity and limitations for the creation of new entities. Whether as a direct consequence of these measures or not, the global number has experienced a slow decrease during the last period for the first time in decades. These circumstances could be signs of the beginning of a process of reduction in the number and relevance of these entities. Nevertheless, currently there are more than 3700 registered entities. The particularities in the process of elections and in their political structure could be considered as stimulating factors in times of demands for more and better democracy. Still, the latest trends have clearly been restrictive and, consequently, the potentialities of the institution may remain unexplored.

DISTRICTS, DECONCENTRATING TASKS IN A WORLD OF GIANTS

General Trends and Legal Framework

To turn to the world of districts is to move to the other end of the continuum in terms of municipalities' size. As sub-municipal structures in charge of managing local issues, districts are implemented in large size municipalities to tackle the lack of proximity between municipal administration and citizens.

Districts refer, first of all, to a physical concept, to the different portions of territory in which a big municipality can be divided. The political dimension appears when local governments decentralize responsibilities to political and administrative structures set up in these districts. There are good reasons to implement district governmental bodies in cities; the most mentioned in academic works (e.g. Lowndes and Sullivan 2008, see also introductory chapter of this volume) being (a) improving efficiency and effectiveness in local action by taking administration closer to citizens and (b) promoting citizens' participation.

In Spain, districts have been part of the cities' functioning for decades (e.g. Madrid, Barcelona, Bilbao, Valencia), since the start of democratic town halls in the late 1970s. But municipalities with districts increased in the first years of the current century, when the 2003 reform of the Local Government Act—the so-called Measures for the Modernization of Local Government—made them compulsory in large urban agglomerations to facilitate citizens' participation.

But contrary to the situation concerning sub-municipal units in rural areas considered in the previous section, there is no official registry of districts. We have to go to the work of specific academic studies on the topic to find out about the current figures. Galindo Caldés (2014) counts a total of 85 municipalities in which the division of territories creating districts has been introduced (see Table 11.1). It affects just 1% of the local governments in the country, but covers almost half of the Spanish population. The introduction of districts is directly related to size. In cities with above half a million inhabitants, all municipalities have implemented them, while this is so only in one third of cities having between 50,000 and 100,000 inhabitants, and in a much reduced minority in smaller towns.

As an illustration, the two most populated cities in the country offer relatively similar figures. With a population of 3.2 million inhabitants, Madrid has 21 districts while Barcelona has 10 with half of Madrid's population. This means that the district average in these cities is around 150,000 inhabitants, although some of these territories have around 250,000 inhabitants and some others less than 100,000. Figures are much lower in other Spanish cities.

National legislation sets general guidelines that municipalities have to follow in setting up districts. They are included in the Local Government Act, Law 7/1985 and in the Royal Decree 2568/1986. The national legal framework is quite general and does not go into details. It just allows municipalities to set territorial bodies for the deconcentrated "management in order to facilitate citizens' participation in local issues management, according to the organization, tasks and functions each municipality decides" (Section 24.1 Law 7/1985). It adds that members, organization,

Table 11.1 Districts in Spanish municipalities

	20,000–50,000		50,000–100,000		100,000–500,000		+500,000	
	N	%	N	%	N	%	N	%
Total Spanish municipalities	252	3.1	83	1.0	56	0.7	6	0.1
Municipalities that have regulated districts	16	6.3	30	36.1	51	91.1	6	100
Population affected (in 1000)	533	7.2	2,356	39.8	10,397	93.9	7,649	100

Adapted from Galindo Caldés (2014)

and territorial limits of districts would be decided in the Local Organization Regulation to be adopted by the city council. In 2003, a reform of the Local Government Act passed, targeting highly populated cities and making districts' arrangements compulsory for some of them and voluntary for others. Municipalities with more than 250,000 inhabitants and capitals of provinces with more than 175,000 were labeled as "large cities" (*ciudades de gran población*) and, therefore, obliged to include districts in their organization in case they had not previously implemented them. Municipalities above 75,000 inhabitants could decide whether they wanted to apply for this condition or not. If the status of large city was granted by regional parliaments, the obligation of setting districts became compulsory for them as well.

Additional legal treatment can be found in autonomous communities' laws. But, as in the case of national legislation, regional parliaments have seldom developed detailed rulings on districts. Only half of them have their own instructions for municipalities which, again, are broad and general, leaving autonomy to local governments to decide on the specificities of districts' organization.

Having left considerable room for maneuver to municipalities, one has to turn to each municipality's legal framework to find about the traits of their organization, such as the election of members in the different positions, the tasks they develop, or the funding they count on. These specific legal tools (*Reglamento Orgánico Municipal*) typically include instructions on organization (e.g. nature, goals, single and/or collective bodies, participative bodies, and administration), tasks, financing, and coordination mechanisms with central city government departments. Municipal authorities have a substantial degree of autonomy for the design of their territorially decentralized bodies. They can choose among a wide range of possibilities: single or collective bodies, with consultative, managerial, control, or sanction functions, abundant or scarce human and financial resources, carrying out either deconcentrated or delegated tasks, and so on.

Among the different types of decentralization/deconcentration (Kuhlmann and Wayenberg 2016), transferring tasks to districts illustrates a case of vertical deconcentration of functions. This is so because there is a transfer of governmental functions to territorially operating field offices located in the districts that continue being part of the organizational structure of the municipal government.

Election and Political Structure

Although each municipality has its own district organization autonomously decided, some common patterns can be found and some variations as well (Galindo Caldés 2014). In terms of the politico-administrative structure, the organization of districts rests on the combination of three political actors—president, district councilor, and district council. Cities differ in the election system and in the tasks that each of these three pieces develops, but it is standard that president and district councilor are merged in the same figure.

District Presidency

It is the only body that assumes representative functions and some limited executive functions. A district president can be appointed by the mayor, elected by the district councilors, or appointed according to the local elections' results in the district. Most of the time, a councilor from the municipality council serves as president.

District Councilor

The district councilor is the executive head in the district, and typically, we find an accumulation of mandates here as he or she tends to be a member of the local council appointed by the mayor. He or she exerts executive and managerial functions and can also be in charge of leading citizens' participation in the district.

A majority of cities have decided to merge these two pieces of the district's organization into a single office: the *District Councilor-President*. In these cases, three dimensions of political leadership converge in a single person: mayor's delegate, executive body, and president.

District Council

The District Council is the collective body or assembly in the district, chaired by the district president and consisting of district neighbor councilors (*vocales vecinos*). Their election is always an indirect election or appointment, and cities have varied systems to choose their members. Neighbor councilors can be city councilors themselves or they can be appointed by the political groups, by the association's representatives, or by ordinary citizens (Galindo Caldés 2014). If the model is that neighbor councilors are elected by the political groups represented in the city council, the district council majority can mirror either the city's electoral results in municipal elections, as in the case of Madrid, or the district's electoral

results, as in the case of Barcelona. This type of indirect election is not unique in the Spanish political system; provincial councils (Diputaciones) follow a similar system as well.

In addition to these three main actors, some municipalities have introduced specific additional structures to channel the involvement of citizens in the districts' decision-making processes, such as a *Citizens' Participation Council*. While in some models territorial citizens' participation is channeled through district councils themselves (Herrero and Ajangiz 2007), in others participation is exercised in these collective bodies of diverse composition comprising association representatives, neighbors' councilors, and/or citizens. Illustrations of these new bodies are neighborhood assemblies, territorial councils, participatory councils, and so on.

In addition to a defined political structure of single or collective bodies, districts count on public administrative structures for the functioning of the deconcentrated local government, the provision of information for citizens, the implementation of administrative procedures, or for service delivery. At the head of this administration is generally the district councilor, but some cities have relied on CEOs, the so-called district managers or district directors, to lead the administrative structure. Madrid and Barcelona are examples of this choice.

Tasks and Funding

When it comes to the account of district services, again, there are no national or regional requirements or limitations municipalities have to observe. Each municipality's internal organization ruling sets the tasks and responsibilities decentralized to districts. In normative terms, the only limitation would be not formal, but substantial: deconcentration has to meet the goal of taking administration closer to citizens while avoiding the fragmentation and blurring of local government action. It also has to prevent the potential threat of resulting in inequality among city residents in similar circumstances.

Reality offers a wide range of situations, from municipalities in which only the field of citizens' participation has been decentralized to districts, to cities—specially the largest ones—where these sub-municipal units develop a wider range of tasks, including participation in the decision-making process at the municipal level (reports, proposals, budgeting), management (permits, contracts, subsidies, sanctions), provision of services (cultural, sports, education), and support for associations.

Regarding funding, local governments are free to decide on the share of financial resources they assign to districts' functioning and service provision. The only legal limitation refers to municipalities with the status of "large city"; they have to explicitly declare in their internal regulations the amount they put in the hands of the territories, whether it is a percentage of the total budget or a fixed amount. Variation in figures is high and is related to the range of functions transferred. It combines cities like Madrid and Barcelona with approximately 15% of the total revenues in districts' administration and others in which it does not reach 1% of the municipal financial means. Funding is related to the range of tasks

Districts, a Tool with High Potential but Weakly Explored

Introducing sub-municipal units in big cities offers several advantages for both citizens and local authorities (Denters 2017). Organizing citizens' participation at this territorial level is a rich source of information for the administration and makes doable one of the values of local government that, otherwise, would be impracticable in highly populated agglomerations. It can also act as a counterweight to power exercised by the municipality government, and public policies will be in better condition to meet social acceptance and ease implementation if citizens have been involved.

Municipalities in Spain have a high degree of autonomy to set districts and decide on their politico-administrative structure, functions, and funding. Actually, exploring the map of these units has allowed them to identify diversity in the organizational structure. And yet, it seems as if cities have not made widespread use of the potential for decentralization this opportunity offers (Galindo Caldés 2014).

CONCLUSIONS

EATIMs and districts are both organizational structures placed below municipal governments. However, they have distinctive origins and logics and express specific answers to different circumstances. While the first is mainly found in rural areas and is the consequence of historically rooted institutions that have evolved up to the present without much change, the second emerged recently to give an answer to the functioning of big cities trying to put local democracy closer to citizens by decentralizing tasks and implementing citizens' participation mechanisms. But regardless of their origins, we can see in both input and output legitimacy aspects. Both

pursue a deeper involvement of citizens in public life (EATIM through direct elections and districts by implementing participatory tools) and both attempt at producing more effective and efficient services by decentralizing decisions in sub-municipal units.

The traditional structure of EATIMs was already present in the Municipal Act of 1870 and even nowadays they show a strong resistance to change. Functions are related essentially to the administration of the territorial area under its jurisdiction and some common resources, public goods concerning the cultural heritage and other public properties. The authority is the president, directly elected by the neighbors in a “first-past-the-post” electoral system. The rationale behind this regulation is to create a political structure founded on a closer relation between the voters and the elected representatives and to provide more open procedures.

The last reform of the Local Government Act introduced important modifications in EATIMs’ legal framework and foresaw the possibility of their dissolution under certain conditions. However, these changes in the national legal framework are not expected to produce a substantial change in the *status quo*, as the regional levels of government—autonomous communities—are also responsible for regulating the field and do not seem in line with the national government philosophy on this matter. The almost 4000 units under this category will survive, but they confront nowadays the challenge to evolve from tradition to the future.

Decentralization in cities through the setup of districts nowadays covers 85 municipalities, just 1% of the total local governments that, however, comprises half of the country’s population. Already existing in cities in the predemocratic period, the introduction of districts slowly developed in the 1980s, when the Local Government Act entitled all cities to implement these units, and accelerated a decade ago, when the 2003 reform of the Local Government Act—the so-called Measures for the Modernization of Local Government—made them compulsory in large urban agglomerations.

In addition to effectiveness and proximity of local government through deconcentration, the added value of the Spanish model of districts has to be found in the strong stress put into the democratic dimension, in involving citizens in public life and local decisions. There is a high degree of diversity among municipalities in tasks, funding, and human resources transferred that varies from being insignificant to making a difference in the local organization. Nevertheless, considering that municipal governments have total autonomy in deciding about their internal organization,

what the panorama of districts shows nowadays is more a tool with high potential rather than genuine municipal strategies of strengthening proximity.

EATIM and districts, the small world and the world of giants, constitute expressions of a relevant challenge of local governance. In a globalized context where larger cities become magnetic poles while rural areas lose population, the identification of appropriate institutional responses is urgent. Larger cities face the difficulties of large-scale service provision and are obliged to develop better mechanisms to meet diversified citizens' demands and to legitimate the political process through participatory mechanisms. In the meantime, identity and historical traditions remain as a key factor in rural areas. In this context, the twofold Spanish model seems to lead to a logic of adapted and distinctive formulas. Time will tell to what extent this model displays capacity to meet the pressing demands.

NOTES

1. In fact, several sections of the law are under consideration by the Constitutional Court. From a practical point of view, according to research conducted by the Carles Pi i Sunyer Foundation in Catalonia, the vast majority of municipalities did not implement the content of the reform. For more information: <http://pisunyer.org/observatori-de-govern-local/projectes/catalunya/2014>.

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Carmen Navarro is Lecturer at the Department of Political Science, University Autónoma of Madrid, where she focuses her research and teaching activities on local government and public policy. Her specific research interests are local government institutions and local leadership. She is a member of international networks for research on local government and policies, among others: the European Mayor Project (first and second rounds), the International Metropolitan Observatory, Municipal Assemblies in European Local Government, Second Tier of Local Government in Europe and Local Government Reforms: an international comparison and Local Autonomy Index.

Esther Pano is Associate Lecturer in the Department of Constitutional Law and Political Science at the Barcelona University. She is also the coordinator of the

project “Local Government Observatory” held by the Fundació Carles Pi i Sunyer (<http://www.pisunyer.org/>), a non-profit organization devoted to gather and analyze data regarding the operation and performance of local institutions. She is member of the GREL (research group in local politics, www.ub.edu/grel). Her research interests are related to empirical institutional analysis, local government, and those questions that are connected to institutional design from both a political perspective and an organizational viewpoint.

Conclusions

Nikos Hlepas, Pawel Swianiewicz, and Norbert Kersting

If one thing is taken for granted regarding local government landscape in Europe, it is the fact that one single picture would never provide all the information needed (Kersting and Vetter 2003, Kersting et al. 2009). Its complexity, diversity and permanent adaptation are undeniable features of this tier of government. This volume intended to shed some light on the essence of one of its less known—or, at least, certainly less explored— aspects: the sub-municipal units. These multipurpose entities with territorial competences and democratic legitimacy are not a fully independent layer of local government and do not possess exclusive territorial jurisdiction over their local affairs and citizens. However, as several of the previous chapters clearly demonstrated, their role in providing services to communities, in assuring democratic representation and on pursuing a

N. Hlepas (✉)
National and Kapodistrian University of Athens,
Athens, Greece

P. Swianiewicz
Department of Local Development and Policy, University of Warsaw,
Warszawa, Poland

N. Kersting
Department of Political Science, University of Muenster,
Muenster, Germany

role of territorial identity and cohesion mechanism, must not be kept out of the agenda of current research. Certainly, it has not been out of the political and reform agendas of most countries in recent years.

From the “small is beautiful” to the “the bigger the better” discussion on the size of local governments, which has dominated the last decades of the territorial and functional reforms in Europe, there is a significant amount of alternatives and, mostly, some other aspects of governance which must be underlined. Allowing functional optimization without significantly changing the political and territorial status of the municipality, developing or installing intra-municipal units, with own political rights and functional competencies, has also been a path of reform. This is particularly evident in those cases where the intent is to keep local government close to the citizens despite the trends of upscaling services and politics. The strife for larger territorial units, with an emphasis on performance and efficiency, has clearly raised some questions regarding democracy, accountability and citizen participation. The viability of governance finds a balance in the advantages of proximity through these sub-municipal units.

From historical community self-government entities to contemporary delimitations to deal with new governance challenges, SMUs play a relevant, but still underexplored, role in European local government landscape. This volume highlighted the diversity of the models that have been developed and tested in different European countries. The summary of this variation is presented in Table 12.1. A rich variety of sub-local governance patterns was also found *within* several countries (e.g. Spain, Czech Republic, Slovenia, Poland), where national laws concede wide margins of discretion to local authorities, which are able to configure the biggest part of the political organization, the areas of competence and discretion, as well as the financial status of their sub-municipal entities. This plethora of local arrangements could not, of course, be fully analyzed in the country chapters who have to focus on the most common institutions and practices in order to offer a clear picture of each country case that can be useful within a cross-country comparative framework. On the other hand, this rich intranational variety should be further explored in future research, since in many countries a challenging sub-municipal, “Lilliputian” (Navarro and Piano in this book) world of governance, often covered by the shadow of parent municipalities, is waiting to be explored.

Stepping back and looking at the big picture, first of all we see that the popularity of SMUs strongly varies across the countries. On one extreme, we have Belgium and Norway where there are only single cities which

Table 12.1 Basic characteristics of the institutional setting for sub-municipal units in selected European countries

	<i>Frequency of SMU appearance</i>		<i>Direct election</i>	<i>Functions</i>	<i>Central rules for funding</i>	<i>Possibility of double mandate</i>
	<i>Urban areas</i>	<i>Rural areas</i>				
Belgium	Since 1997 constitution allows in cities over 100,000 inhabitants. So far, Antwerp is the only city that has directly elected SMUs (nine districts, operational since 2001)	No sub-municipal units in rural governments	Yes	Decided by municipality within very general law frame	Decided by municipality	No
Czech Rep.	Law allows in so-called statutory cities. In practice exist in eight cities, inhabited by almost 1/4 of the Czech population. Prague is an exception—the division is obligatory	No, most of local governments are small, single villages	Yes	Decided by municipality	Decided by municipality	Yes

(continued)

Table 12.1 (continued)

	Frequency of SMU appearance		Direct election	Functions	Central rules for funding	Possibility of double mandate
	Urban areas	Rural areas				
England	Neighborhood or (more rarely) parishes created by the will of municipality, but with right of popular petition. Neighborhoods often inspired by government programs	Parishes cover about 25% of territory. Created by the will of municipality but with the right of popular petition	Neighborhoods—no universal model, from fully elected councils to parent municipal council. Parishes—yes, but possibility of co-optation for uncontested seats	Decided by the municipality. Parish councils have statutory duties set by national legislation and some functions may be delegated by principal councils	Decided by the municipality. Parish councils are tax authorities and can raise a precept, which is collected by the principal council when collecting the council tax	Yes
Germany	In some regions (Laender) obligatory (Hesse, North Rhine Westphalia), but in most of regions—decision of municipality		Yes	Mainly decided by local charters (municipalities)	Mainly decided by municipalities	No
Greece	Districts in cities over 100,000 by the law. Districts merged former municipalities by the law	Result of amalgamation—introduced by the law	Yes	A few, mostly advisory tasks by law, additional ones must be decided by municipality	No (by law only for local damage repairs)	No

(continued)

Table 12.1 (continued)

	Frequency of SMU appearance		Direct election	Functions	Central rules for funding	Possibility of double mandate
	Urban areas	Rural areas				
Norway	Oslo only city with elected SMU. Stavanger has consultative (non-elected) SMU. SMU not required by national law, decision of the city council. Experiments in other major cities, but abandoned some years ago	Consultative/non-elected SMUs in a small number of municipalities.	Yes, but in Oslo only (since 2003, trial elections in four SMUs also in 1995 and 1999) (before for a long time councils were appointed by city level)	Decided by municipality	Decided by municipality	Not practiced although not strictly forbidden
Poland	Discretion of local governments. SMU exist in most of largest (20/23) of cities over 150,000, and lower proportion of smaller cities	Discretion of local governments, but "hard to resist" due to long historical tradition	Yes	Decided by municipality	Village Fund for rural SMUs (matching grant from the central budget), in cities decided by municipality	Yes, but rarely practiced

(continued)

Table 12.1 (continued)

	Frequency of SMU appearance		Direct election	Functions	Central rules for funding	Possibility of double mandate
	Urban areas	Rural areas				
Portugal	Recognized by Constitution (all territory covered)	Recognized by Constitution (all territory covered)	Yes (of the SMU Assembly), SMU- Executive and its president are elected in its first meeting— SMU-president becomes usually the first candidate on the list receiving most votes	Constitutionally and legally defined, plus some decided by the municipality	Own revenues, State and Municipal grants (few sources listed in Law of 2013), and also decided by the municipality (discretionary)	No, however the SMU president has a seat at the Municipal Council
Slovenia	Discretion of local governments	Discretion of local governments. Overall exist in over half of municipalities	Depending on the model chosen by municipality	Decided by municipality	Decided by municipality	Yes
Spain	Law of 2003 requires urban SMUs in cities larger than 75,000 population	Popular in some autonomous communities, but not common in others. The total number is 3705 in the country	Yes in rural, not in urban	In urban SMUs decided by municipality. In rural decided by regional law	General criteria set by national legislation, but details decided on a municipal level	Yes

experiment with SMUs. On the other extreme, we have Portugal where the presence of SMUs is common in all municipalities. Between these extremes, we have the Czech Republic where the presence of SMUs is limited to some urban centers, Spain where the popularity of SMUs varies among regions, and Greece as well as Poland where SMUs are very common in rural areas, but their existence in cities is limited to some of the municipalities.

In most of the analyzed countries, SMUs have directly elected councils. However, there are exceptions to this rule. Spanish urban SMUs (opposite to those in rural areas) have appointed councils, and in Slovenia as well as in England there is no universal rule, the situation depends on the selected model of SMU. But at the same time, SMU politics is not sharply separated from the municipal one. As we see in Table 12.1, in roughly half of analyzed countries, “cumul des mandats” (holding SMU and municipal council mandate at the same time) is at least potentially possible, and practiced from time to time.

Data presented in Table 12.1 clearly demonstrate that powers and even mere existence of SMUs in most of the countries depend very much on the decision made on the municipal level. Typically, the national law presents a general framework, leaving huge discretion to municipal government whether and how this general frame is going to be used. In that sense, we may say that SMUs are more creatures of locally made decisions than experiments discussed and initiated on a national level. Portugal (where SMUs are compulsory across the country) and Greece (where SMUs are defined by the law in rural areas and in the largest cities) are the most clear exceptions to this rule. Spanish SMUs in large cities are also compulsory, but they do not have democratic legitimacy resulting from direct elections. Germany, being a federal country, is the most complicated case—organization of SMUs is compulsory in some lands (e.g. Hesse), but in most of them it depends on the will of individual municipalities.

The same rule of huge municipal discretion applies to functions and finance of SMU. Only in Portugal it is clearly regulated on a national level. In other countries, it is either (almost) entirely left to the municipal level or the national regulation imposes only some small elements of the frame (England, Spain).

An institutional dualism was found in many countries (Germany, Greece, Poland, Spain, to some extent Poland—but not in Portugal) separating patterns of sub-municipal governance in rural and urban areas, respectively. Being mainly identity and community keeping institutions

with “symbolic capital” in most cases, small sub-municipal units in rural areas usually have a simpler organization and weaker political, functional and financial autonomy than their—much bigger—counterparts in bigger cities. In declining rural and semi-urban areas, it is sometimes even difficult to mobilize candidates for sub-local political posts (e.g. in Slovenia, before 2009 also in Poland, nowadays also in Greece etc.), while there were even cases where districts were accused by city councillors for serving “as landfill for useless politicians and pointless rebellions” (Lysek in this book for a case in the Czech Republic). On the contrary, in growing urban areas and especially in bigger cities, sub-municipal governance seems to be an important breeding ground for local politicians and their careers (Swianiewicz 2015 for Poland, Lysek for Czech municipalities).

However, there are exceptions to the rule described in the previous paragraph. In Poland, the financial basis of rural sub-municipal entities is stronger than in urban setting, mostly due to financial support of the central budget for the village fund. The underlying reason is deeper historical tradition of village autonomy, which has no equivalent in urban sub-municipal units.

Also, the citizens seem to differentiate their interest for sub-municipal politics alongside contextual and institutional factors, as this was found in empirical surveys in Poland (Swianiewicz in this book), where higher citizen demand for neighborhood structures was found in larger cities rather than in smaller towns,¹ stronger citizen interest in stronger (in terms of functions) sub-municipal units as well as in suburban single-flat housing estates (compared to multi-flat and central locations). In the Czech Republic, strong local identities were found to support citizens’ trust to sub-municipal institutions. While in the Czech Republic that experienced post-communist fragmentation, sub-municipal governance was sometimes a prevention tool against secessionist tendencies, in several other countries that had followed consolidation strategies (e.g. in Germany and Greece), sub-municipal governance was a territorial reform facilitator and a solace for amalgamated localities that could carry on having an institutional face of their distinct identity that would also be the voice of their community. Also, with the territorial reform in Norway and substantially larger local governments, it is expected that SMUs in various forms could rise higher on the agenda (Klausen in this volume).

Sub-municipal institutions are also supposed to enhance local democracy be more participation-friendly both in rural areas and in cities, but is this really the case?

In the Czech Republic, direct democracy (referenda) on the sub-municipal level seems to face the same obstacles as on the municipal level, but concerning interactive governance and democratic innovations such as participatory budgeting, sub-municipal units were found to be “pioneers” (Lysek in this book), just as it was recorded in Slovenia (Bacilija in this book). Concerning local democracy in general, however, sub-municipal governance was not found to “make the difference” in Slovenia (referring to a 2004 survey, Bacilija in this book), while in Poland results of surveys are disappointing for expectations that SMUs would revitalize urban democracy, while duplication of politics emerged (Swianiewicz in this book). In Norway, where the single case of the, gradually developed, Oslo district system exists, there is a vivid civil society which sometimes takes advantage of the sub-municipal structure; according to a 2002 survey, however, districts were considered important from a political point of view but district elections would not make much difference and rather boost the public profile of individual representatives (Klausen in this volume). It was even worse in Greece, where sub-municipal governance was found, “not to offer considerably more than symbolisms and identity politics” (Hlepas in this book).

On the contrary, empirical findings in Germany were far more encouraging, since survey and opinion polls in 2014 showed that the sub-municipal council was regarded as a very efficient instrument in local politics, both by citizens and city councilors (Kersting and Kuhlmann in this book). In Belgium (Wayenberg and Steen in this volume), in the single case of *Antwerp* it was found, according to a 2011 evaluation, that sub-municipal governance restored local politics and achieved a good contact between government and citizens. In 2015, a new evaluation study advised the city to keep on reaching out to the districts needs for capacity, finances and mutual cooperation, while the authors of the chapter cautiously detect the possibility of further sub-municipal downscaling reform in Ghent or Bruges, the other two cities in Flanders that are constitutionally authorized to decentralize.

Quarrels between sub-municipal units and parent municipalities (mostly distributive conflicts) often refer either to the “mostly wanted or most unwanted”; in the Czech Republic (Lysek in this book), they were found to occur occasionally in the biggest municipalities, especially where sub-municipal politicians belong to parties opposing the leadership of parent municipalities, or if there is internal party struggle. Parties can however be the strongest political link between the city and the sub-municipal

level, especially when double mandates (both city and district councilor) are not allowed or practiced (Klausen for Norway in this volume). Links to the city council are very important, not only because most important decisions affecting the sub-municipal level are usually taken there, but also because in most countries, municipal bodies do exercise some kind of supervision (e.g. through budgeting controls and approvals) over the sub-municipal level.

In general, parent councils seem to hesitate to delegate powers to sub-municipal bodies. Even in bigger cities, where municipal councils are expected to be more self-confident and suffering from heavy workload, central bodies are usually reluctant to intra-municipal devolution. A 2010 survey in Slovenia (Bacilija in this book) has shown that larger municipalities are not more likely to delegate more power to sub-municipal units. Sometimes, this attitude of “intra-municipal centralism” is simply due to the fact that the governing capacity of sub-municipal units is extremely weak and due to the shortage of competent district personnel and the lack of financial resources, as it was stressed in an internal municipal survey in Antwerp, Belgium, back in 2002 (Weyenberg and Steen in this volume). In other cases, parent councils seem to fear the duplication of decision-making channels, segregation politics and localist opposition of sub-municipal councils against the city (Hlepas for Greece in this book).

Sub-municipal units are also hollowed out by digitalization of services and one-stop shops, but they may be very important for the future of the welfare state, especially in big cities where social innovation and resilience as well as sustainable development are becoming very important strategies, as the German case has shown (Kersting and Kuhlmann in this book).

Sub-municipal level is becoming important for welfare state reforms. Social innovations in education, health care, social integration, inclusion etc. focus on youth, elderly people, handicapped, migrants and other minorities on the one hand. On the other hand, the sub-local community development plays an important role in the sustainability development strategies, for example in the areas of energy production, energy consumption and transport.

FUTURE RESEARCH AGENDA

Most of the country-specific chapters included in this volume demonstrate that sub-municipal units' role in local politics and public service delivery is a heavily under-researched topic of academic studies. This claim is true for

individual country studies, but it is even more striking in relation to the international, comparative context. So far there have been extremely limited number of academic publications on that topic, and a very few existing have concentrated on experiments in urban settings. Within this stream, one should mention studies by Bäck et al. (2005) on Nordic cities as well as Daemen and Shaap (2012) on selected, single cities in England, the Netherlands and Italy. One could add to this list descriptive discussion based on expert survey conducted in over a dozen of countries published in Dutch by Denters and Klok (2013).

The studies of sub-municipal decentralization are even more scarce, and it is in spite of the fact that rural parishes play quite an important role in local politics of several countries (e.g. Portugal, but also England, and to a lesser extent of Poland). The only known to us example of international comparative publication on rural sub-municipal units is Peteri (2008), covering four countries of Central-East Europe (Bosnia, Bulgaria, Poland and Serbia). But even this volume is based mostly on very basic descriptive-normative materials and it has been organized more as a set of policy papers than as a typical academic study.

All of the observations presented in the previous paragraphs clearly suggest that there is a demand for further, comparative research on sub-municipal units in Europe. Our volume partially fills the existing gap in the knowledge. But it has mostly exploratory character, almost like describing the “unknown land” of the European local governance. It focuses mostly on individual countries’ studies, not on fully comparative research, and moreover, it is mainly limited to basic descriptive analysis.

What is clearly needed is more empirical studies, which would be comparative at the same time. There are several research questions, which might be investigated in such a research project. The following list gives just a few examples of such unrecognized topics:

- What are the factors explaining differences in models of sub-municipal units adopted in various European countries? One may expect that territorial organization is one of the important independent variables (e.g. rural SMUs make no sense in countries with an extreme territorial fragmentation). But there might be also other factors, related to political and administrative culture, leadership types, external incentives from regional, national and European level and so on.

- From our volume we learn about motives and reasons beyond development of sub-municipal units in various European countries. But we know also that very important details of regulations depend in most of the Europe to a huge extent on decisions made on a municipal level. How do politicians and citizen evaluate SMUs (see Kersting 2016)? So it is important to ask the question why different cities (and rural local governments) make different decisions in this respect. In other words, what is the local variation of motives beyond sub-municipal decentralization?
- What are the factors beyond variation within individual countries? Why some places (SMUs) are more successful than others in invigorating community involvement or improving local public services? The answers may lead us back toward the size issue, local embeddedness, local regulatory frameworks and others.
- How do sub-municipal units actually change the dynamics of local democracy? Or how do they contribute to better local public service provision?

Answering these and other relevant questions would require applying the same empirical methodology in various countries. Apart from analysis of regulatory framework and official documents it would require fieldwork, including surveys of local politicians, bureaucrats as well as sub-municipal activists, interviews with key local stakeholders and so on.

The experience gathered through this volume suggests that perhaps there is a need to clearly distinguish between investigating of urban and rural sub-municipal units. Comparative studies on both of them are needed, but the gap seems to be especially large in case of rural SMUs (village level, parishes) which are almost a white space on the map of our knowledge of European local governance.

We hope that information and evidences gathered in this volume would help academic community of scholars to prepare and implement such research agenda for the future.

NOTES

1. But also higher in rural areas, where the tradition of village self-government is more rooted than autonomy of city districts or neighborhoods.

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Nikos Hlepas is Associate Professor at the Faculty of Political Science and Public Administration, National and Kapodistrian University of Athens. He is working since many years on local government studies and public law. He is an ordinary member of the Group of Independent Experts at the Congress of Local and Regional Authorities at the Council of Europe. He was the President of the National Centre for Public Administration and Local Government (EKDDA) in Greece.

Pawel Swianiewicz is Professor of Economics at the University of Warsaw, Head of the Department of Local Development and Policy at the Faculty of Geography and Regional Studies. Between 2005 and 2010, he was the President of the European Urban Research Association. His teaching and research focuses on local politics, local government finance and territorial organization. Most of his empirical research focuses on Poland, but also on comparative studies of decentralization in Central and Eastern Europe.

Norbert Kersting is Professor holding the chair for Comparative politics- Local and Regional Governance at the Department of Political Science, University of Muenster (Germany). From 2006 to 2011, he was holding the “Willy Brandt Chair on Transformation and Regional Integration” at the Department of Political Science, University of Stellenbosch. He was a fellow at the Institute of Political Science at the University of Marburg and Electoral Integrity Project (Sydney). He is vice chair of Political Science Association’s (IPSA) Research Committee 10 on “Electronic Democracy” and chair of the Research Committee 5 on “Comparative Studies on Local Government and Politics”.

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