

Theories and Practices of Local Government

Chapter I: Introduction

1.1.The Nature of Local Government

Local government is a product of devolution as a dimension of decentralization. Olowu (1988: 12) remarks.

In most countries (eg United States ('US'), Germany, Spain, Italy, Switzerland, etc. basics of modern system of administrative-territorial division were formed in the nineteenth century, and in the UK even earlier, and were associated with the processes of transition from feudal organization to a modern industrial society. One of the main demands of emerging cities was granting them autonomy in local affairs, freedom of community self-government from oversight and interference by the central authorities. Since the mid-nineteenth century this kind of governance became known as local government that reflects certain realities of the time. A number of researchers believe the concept of local self-government is primarily a product of the liberal democratic state of nineteenth century (eg Ashford).

At that time local representative bodies were treated as the fourth branch of power bound by law and judicial control but not subordinated to the government and its agencies in the center and in the administrative territorial units. Interpretation of the local administration as the fourth branch of power may be found in contemporary works dedicated to the countries where municipalities have a strong and autonomous position in the state mechanism (eg Warmenhovep). However, local government gradually turned into a kind of executive activity undertaken in the framework of general state policy due to detailed shaping of legal status of local authorities in the legislation and increasing connecting of competencies of municipalities and central authorities.

The most traditional is the two-level scheme of administrative-territorial division:

- counties and municipalities in the US,
- acts and communities in Denmark, lens and communities in Sweden,
- prefectures and municipalities in Japan,
- provinces and communities in the Netherlands, etc.

Historically, the formation of a two level organization local authority is connected with the different origin of the territorial units of municipal and superior levels .Municipalities were formed naturally, every town **or village** became a separate administrative territorial unit(municipality or community). The higher level units (prefectures, districts, departments, provinces) were purposefully created by the public authorities to resolve their own problems,ie originated artificially. As a result, they were more similar in size and in population than municipalities. **The existing two-level system of administrative-territorial division was mostly formed in the eighteenth and nineteenth centuries.**

1.2.Defining Local Government

It is not easy to answer the question “what is local government”? Local Government may be described as government by popularly elected bodies charged with administrative and executive duties in matters concerning the inhabitants of a particular district or place and vested with powers to make bye-laws for their guidance. Local Government has been defined from various angles. It has been defined as “an authority to determine and execute measures within restricted area inside and smaller than the whole state.”

As an element of decentralization, local government is a result of devolution. Olowu (1988; 12) states: in the context of literature, there are two advances to define the local government. In aspect of comparative studies, under the central government, all those national structures are regarded as central government. In the second approach, the specifics and particular characteristics that determines local government in more careful manner. These distinguished features mainly focus on five following aspects:

- (1) Legal personality,
- (2) Localness,
- (3) Effective participation by citizens,
- (4) Extensive budgetary and employing self-sufficiency in regard to bounded control from central authority, and
- (5) Particular powers to execute a variety of functions.

These attributes are significant in separating it from the different forms of institutions at local level and furthermore, it makes certain that organizational effectiveness is maintained at a prompt rate.

Robson (1937: 574) elaborates local government from the perspective of legality as:

“In broad categorization, local government may engage the formation of a protective, community that is non-sovereign and contains the legal rights and essential institution to articulate its internal associations. The prevalence of authorities at local level with authority to perform without external involvement and control along with the local community’s participation in the administration of its own affairs are assumed in turn of those regulations”.

Local government is defined by Gomme (1987: 1-2) as:

“sub part of the entire government of a nation or states is regarded as local government that is managed and administered by the system subordinate to authority of state but independently elected of the state’s authority control, by competent persons local, or containing properties in specific localities, which regions have been structured through common interests and common histories by the communities”

The views of both Robson and Gomme have strongly argued that local governments are not entirely free from the control of the central government. This indicates that the power and authority enjoyed by the local government is to relative extent and it is because of the responsibilities are split among national and local government for the provision of services. Furthermore, it is vital to note that these divisions of responsibilities are done according to the political interests and policy related agenda. The World Bank (1989: 88) has identified the successful correlation between the local and central government due to the various conditions and Heymans & Totemeyer (1988: 6) determine those preconditions as:

- The requirement and the push for a well-built local government system in environment filled with democratic support.

- In the national and regional development, a main stream role will be played by the local government. A fair distribution of the financial resources among central, local and regional bodies.
- A distribution of human resources is done in a fair manner between the central and the local government.
- The checks and balances between central and local government are in a formal and effective way.
- The information sharing and flowing among all levels are in an accurate and consistent pace and the consultation is precise and complete.
- The expansion of democracy in the all dimensions of government, such as the anticipation
- of all citizens to a full extent at the levels of administration and government, irrespective of any gender and race biases.
- Harmony in social and political aspects.
- Clearly mentioned affairs among various levels of government and the potential for Pressure, exertion at local level so that central government alters legislation.
- The fundamental principles of government are trust and honesty, and
- Ability to adopt innovations

1.3.Local Government and sovereignty

Sovereign immunity offers governmental entities and their employee's protection against suits for tort (*wrong doing*) liability. The doctrine under Virginia law has evolved over time and is a complex, confusing patchwork of case law and statutory provisions. The level of protection it offers to any particular employee or agency varies considerably according to the characteristics and particular facts of each case. This article briefly summarizes the doctrine and its applications, but lawyers are forewarned that sovereign immunity is not a static legal concept and that an exception likely exists to every generalization

In the seminal case of *Messina v. Burden*, the Supreme Court of Virginia generally summarized the doctrine of sovereign immunity as follows: It is a "rule of social policy, which protects the state from burdensome interference with the performance of its governmental functions and preserves its control over state funds, property, and instrumentalities." According to the Court,

sovereign immunity, also called official immunity, protects the public purse, protects against vexatious lawsuits, encourages citizens to assume important governmental positions by alleviating employees' fear of being sued, and promotes the orderly administration of government. Because of these reasons, the Court has rejected repeated invitations to abolish the doctrine and the Virginia General Assembly likewise has refused to eliminate sovereign immunity by legislation. Accordingly, sovereign immunity remains "alive and well" in Virginia.

1.4.The Rationally of Local Government

The importance of local government lies in sustaining the democracy. If democracy has to function properly as many citizens as possible should be encouraged and provided with opportunities to take a continuing interest in its activities and problems. In a democracy, people have to work with great patience and perseverance (*continued effort to do or achieve sth. Despite difficulties, failure or opposition*). In the long run, we may find that the progress achieved under such democratic methods is more firm and more solid than under totalitarian set up. People should have faith in democracy and is like reposing faith in themselves. Since faith sustains people's patience, people can acquire this faith more easily through experience of working in democratic institutions. Our first Prime Minister Pt. Jawaharlal Nehru, while inaugurating the first local self-government Ministers, conference in 1948, had said that "local self-government is and must be the basis of any true systems of democracy.

1.5.The Evaluation of Local Government

The modern local governments are the creation of western and traditional cultures. Among the western patterns, the English pattern has been a source of inspiration for most of the English speaking countries and others that have come under their influence like South Asia, Africa etc.

To understand contemporary local government, it is essential to grasp the basis of its historical development and evolution. Local government was not evolved to provide a coordinate system of administration for the logically defined range of services; it emerged, piecemeal in answer to a succession of separate needs and demands. The very origin of modern local government was part of the libertarian trends in the first half of the 19th century. Liberty for the local communities to develop according to their own preferences was a powerful ideological element in the introduction of local government system in most European countries. Local self-government was

perceived to be an expression of freedom of society. The creation of local self-government in the first half of the last century in Scandinavian as well as other countries was a deliberate attempt to limit the intrusion of central government in the affairs of local communities.

The modern local government system evolved in response to the pressures produced by urbanization and industrialization. Due to Industrial Revolution and the factory system, urbanization took place and the most obvious political consequence of urbanization has been expansion of municipal functions. The cities require services, which are not, needed in rural areas e.g. sewage disposal, street cleaning and traffic regulation. Higher standard of urban population created a demand for such services as public health measures and recreation activities, which the rural population is not so likely to demand from its local government.

The rise of local government is closely tied to the process of industrialization which gathered momentum in Britain from the middle of the 18th century. Until the beginning of the 19th century the system of local government by corporation in the boroughs (*one of the administrative divisions of a large city*) and justices of the peace in the counties had worked reasonably satisfactorily because the needs of communities were deemed to be small, their tasks were primarily judicial and administrative. The mid-19th century saw the culmination of the first great phase of urbanization in English history caused by the development of machinery and the factory system of production and the comparative reduction of dependence on agriculture production. The movement of population from rural to urban areas was accompanied by severe problems of overcrowding, law and order and ill-health.

Chapter II

Theories of Local Government

2.1. The Localist view

“The essence of localization is to enable communities around the world to diversify their economies so as to provide for as many of their needs as possible from relatively close to home... this does not mean eliminating trade altogether, as some critics like to suggest. It is about finding a more secure and sustainable balance between trade and local production”. (Norberg-Hodge, 2003: 24).

Uphoff (2013) writes that the notion of ‘local’ implies the following; ‘localities’ such as a network of communities, ‘communities’ and ‘groups’, emphasis is placed on the spatial. Local should not be confused with simply, what is not international or national, Uphoff writes that the local should display a sense of collectivity. It is argued that when people are connected through a locality then they feel a greater responsibility toward each other and a mutual understanding as well as the ability to mobilize and manage resources. Uphoff suggests that these levels of solidarity and local self-reliance do not happen without leadership and in some cases institutional backing.

2.2. The Dual State Thesis

Some efforts to overcome the limits of unitary explanations result in the dualist theory in which two theoretical views are presented to explain the local state. Saunders (1984,23), a key exponent of the dualist theory, argues for 'combining the strengths and avoiding the weakness of contemporary political science and Marxist approaches' (Saunders, 1982,63). He fully appreciates that the strengths of the Marxist explanation are the weakness of the traditional pluralist approach, and vice versa (Saunders, 1982, 56).

The traditional 'agent versus partnership' debate had not been applied to the broader socio-political context. The Marxist 'grand theory' successfully illuminates local government with reference to core theoretical concerns in social and political science. However, the problem is that the recent Marxist explanation (e. g. Cockburn's local state theory) has failed to highlight the

specificity of local government. Reflecting on the 'failure in the Marxist tradition' to take account of the local state's operations (Cawson and Saunders, 1983) Saunders says

.... my argument is that local government (which is the principal and certainly the most accessible and visible agency of what has been termed the 'local state') has its own specificity (Saunders, 1982

Here Saunders (1982,55-6) goes on to warn about adopting a single perspective on the central-local relationship. He emphasizes the danger concerning academic research initiatives into central-local relationships; namely, that the academic community may come to adopt one perspective on 'the problem' to the neglect or exclusion of others. The difficulty of applying a unitary theory to multilateral political practices is stated as follows.

The state in Britain is not some unitary monolith..... Theories of the state..... Should this be treated with some caution and skepticism, for it seems more plausible to suggest that different aspects of state policy-making and administration will need to be explained in terms of different kinds of factors.

He tries to develop a more relevant explanation of local government by combining different theories which appear along two dimensions: horizontally between different functions (policy typology) and vertically between different levels (center- locality). What is entailed in his approach is that two different political theories (pluralism and Marxism) are necessary to understand two different types of political process (Saunders, 1980,14; 1982,63; 1984,24). This is also an attempt to reflect the conflict and tension within the state caused by internal differentiation.

2.3. The Local State and the Social Relations Theory

Scholars who want to move in this direction face the theoretical challenge of developing more sophisticated understandings of social relations. To that task, comparative politics brings some formidable conceptual tools, born of its long-standing interest in institutions, understood as set of regularized practices with a rule like quality in the sense that actors expect them to be observed

and meet deviations from them with formal or informal sanctions (cf.Hall&Thelen2009).Institutions are central to social relations by virtue of how they guide social and political interactions.

We can touch on only some of the relevant formulations. Whether people have the capacity to cooperate is arguably one of the most important features of social relations, and rational choice analysts have devised powerful accounts of collective action dilemmas and of the ways in which institutions allowing for credible commitments make cooperation to resolve the impossible (cf. Calvert 1995, Scharpf 1997). Parallel studies of agenda-setting, decision rules, and flows of information have also been revealing about the prerequisites for cooperation (Weingast & Marshall 1988, Knight 1992, Krehbiel 1992).

Seeing institutions not only as instruments in the hands of well-informed, strategic actors but as the legacy of past struggles, historical institutionalists have also developed insightful formulations about how institutions privilege some sets of actors and push societies along distinctive paths (Thelen 1999, 2004; Pierson 2004; Moe 2005). Their concepts of critical junctures, layering, defection, and reinterpretation provide useful ways of thinking about how the institutions structuring social relations change (Streeck&Thelen2005,Capoccia&Keleman2007, Mahoney&Thelen 2009). Here, there is room for a dialogue with sociology, whose own institutionalism turn yields different conceptions of institutions, as the embodiment of specific logics of appropriateness or templates for action with cultural authority (Meyer&Rowan1991,

March&Olsen1989, Powell & DiMaggio 1991). With some notable exceptions (Ross 1997, Wedeen 2002, Sewell 2005), however, scholars of comparative politics have been less adept at conceptualizing the roles played by culture in social and political life. In this respect, they lag well behind international relations scholars whose constructivist perspectives have generated vibrant debates about how to construe interstate relations (for overviews, see Katzenstein 1996, Checkel 1998, Hopf 1998, Finnemore & Sikkink 2001). In some instances, those perspectives have found their way into comparative politics, notably under the aegis of works that explore the role of ideas in politics (Berman1998,2001;McNamara1998; Blyth 2002; Schmidt 2008; Beland & Cox 2011). But, in general, comparativists have been more willing to talk about ideas than about culture.

Recent developments in cultural sociology, in particular, offer political science an increasingly nuanced set of conceptual tools. At the heart of cultural sociology is the contention that every human action involves meaning, as agents interpret and evaluate their environment and actions through distinctive filters. These meanings are typically delimited in spatial, social structural or

temporal terms, and together with other types of determinants, they enable and constrain action (Sewell 2005). Earlier conceptions of the link between culture and action often rested on the Parsonian notion that people hold cultural values that engender actions consistent with those values (Parsons 1951). Traditional social-psychological perspectives often posit a similarly straight forward link between attitudes and behavior, seeing acts as the result of attitudes. But

social scientists have identified many cases in which individuals behave in ways inconsistent with their articulated values and attitudes, and in response, cultural sociologists have begun to reformulate their models of culture and action (e.g., Swidler 1986, Wilson 1996). To simplify somewhat, cultural sociologists now generally conceive of human beings as actors in worlds filled with publicly available symbolic goods, such as stories, scripts for action, ways of interpreting people and events, and styles of self-presentation. These symbolic items provide people with tools to interpret other people's actions, to anticipate their behavior, to imagine themselves in the future, and thus to act. Using the metaphor of a toolkit, Swidler (1986, p. 19) sees culture as the supply of "symbols, stories, rituals, and world-views" on which people draw to create "strategies of action." In a Durkheimian vein, Sewell (1992) goes farther to argue that cultural schemas can harden to the point that they become well-established, diffused structures constraining and enabling action. Thus, cultural sociologists now emphasize how actors draw on and create available meanings in the form of evaluations, interpretations, and understandings of their life-world.

Chapter III

Types, Units and Organs of Local Government

3.1. Types of Local Government

(a) Prefectures

A prefecture is a local government public entity covering a wide area, encompassing multiple municipalities. There are 47 prefectures in Japan. In Japanese, Tokyo is the only prefecture called “to,” or metropolis. Tokyo is the capital city of Japan and differs from the rest of the prefectures in that it has a system of special wards. Hokkaido is the only prefecture known as “do,” or region, while Kyoto and Osaka prefectures are “fu”; the rest are known as “ken.” These differences in nomenclature are purely historical—there are in effect no systematic differences between “do,” “fu” and “ken.” Prefectural responsibilities are as follows:

- (i) functions over a wide area, for example drafting comprehensive local development plans, forest conservancy and river improvements;
- (ii) functions involving communication between the central government and municipalities, or entailing advice and guidance for municipalities, for example making recommendations on streamlining organization and management;
- (iii) functions whose scale of operation is deemed inappropriate for municipalities, for example the establishment and management of upper secondary schools and hospitals.

(b) Municipalities

At the lower tier of local government, municipalities provide the basic services most familiar to the public. As of April 2004, there were 3,100 municipalities. A municipality must satisfy certain conditions to be considered a city, including a population requirement of at least 50,000. Towns and villages are usually found in so-called counties (“gun” in Japanese), but the title is purely geographical and has no administrative significance. Towns are more urbanized, with more persons engaged in commerce and industry, but in terms of

administrative functions and authority there are no differences. Municipalities provide the following services:

- (i) functions related to day-to-day matters, for example resident and family registration, residence designation and various certificates;
- (ii) functions concerned with public health and safety and environmental conservation, for example fire services, refuse and sewage disposal, water supply, and public parks;
- (iii) functions connected with urban development, for example city planning, construction and maintenance of roads, rivers and other public facilities
- (iv) functions concerning the establishment and management of various municipal facilities, including public halls, nurseries, primary and lower secondary schools, and libraries.

(c) Prefectural/Municipal Relationships

Prefectures and municipalities are mutually independent entities. The legal relationship between them is not one of superior and subordinate. The scope of their functions differs, however, because of the difference in their basic nature. While a prefecture is a regional public entity covering a wide area that includes multiple municipalities within that area, a municipality is a basic unit of local government closely related to people's daily lives. Prefectures may give local municipalities various guidance and advice from a wider regional perspective. Some prefectural business involves granting approvals to municipalities.

(d) Designated Cities

Cities that have populations of 500,000 or more and are approved by cabinet order are defined by the Local Autonomy Law as designated cities. In practice, however, cities with population of one million or more or with population of 800,000 or more but expected to reach one million in the future are being designated as such.

Designated cities are authorized to administer the same level of governmental jurisdiction as prefectures in 19 policy areas including social welfare, public health, and urban planning. Some laws also delegate to the designated cities authority in such areas as national road management and compulsory education.

(e) Core Cities

Cities that have populations of at least 300,000 but less than 500,000 and land areas of over 100 sq km and are designated by cabinet order are known as core cities. There were 35 such core cities, as of April 2004. In addition to establishing public health centers, the core cities may undertake all of the functions delegated to the designated cities with the exception of those which may be more efficient if handled in an integrated manner by prefectures.

(f) Special Case Cities

Cities that have populations over 200,000 and are designated by cabinet order are known as special case cities. The system for special case cities took effect on April 1, 2000, and there were 40 such cities as of April 2004. Special case cities are delegated the same functions as core cities with the exception of those that may be more efficiently handled in an integrated manner by prefectures. One example would be granting permission for development projects in accordance with the City Planning Law.

Special Local Authorities

So called because of their special nature and circumstances, the following types of special local authorities exist'

(a) Special Wards

Their functions are similar to municipalities. There are some exceptions; for example, fire services, ordinarily a municipal responsibility, are provided by the Tokyo Metropolitan Government, the prefectural authority. Mayors and councilors of wards are directly elected.

(b) Municipal Cooperatives

Municipal cooperatives are usually formed by two or more municipalities to carry out functions that would be more effective and efficient than if provided alone. The following types of cooperatives are possible, although at present no examples of (iii) or (iv) are in operation:

(i) partial cooperatives formed to provide specific services such as the establishment and management of schools and hospitals;

(ii) wide-area unions formed to plan and provide services over a wide area in a comprehensive and systematic manner;

(iii) administrative cooperatives formed to carry out all the administrative duties of a number of towns and villages;

(iv) full cooperatives formed to carry out all the services of a number of towns

(c) Property Wards

These are special authorities formed by certain property-owning areas or districts within a municipality for the purposes of property management. Property wards are fairly common in farming or mountain villages, but less so in urban areas. The most common properties involved are mountain forests, while others include immigration channels, marshland, cemeteries, housing land, farms, and hot springs.

(d) Local Development Corporations

Formed by two or more ordinary local authorities, local development corporations are set up specifically to acquire and prepare sites for the construction of public facilities in areas subject to comprehensive development plans.

3.2. Units of Local Government

The main units of local governments are Counties, Urban Municipalities and Rural local authorities. (Urban municipalities consist of County Boroughs, a non-county and metropolitan borough council). Traditionally, the main pattern of local government organization in England and Wales outside Greater London is a division of the country into county boroughs and administrative counties.

County Boroughs are mainly chartered Towns with population of over 75,000. In other words, boroughs are based on Charters granted at different times by the Monarchy to small towns to exercise some right in its own justices and courts and settle dispute locally. Furthermore, provision was made for separate parliamentary representation which the other types of councils did not have. The County boroughs have the power of non-county borough council and of a county council. This also includes police affairs. However, Administrative Counties are the more

numerous and popular. Administrative Counties can be broken into Non County Boroughs and County Districts. The latter consists of;

Urban Districts and Rural Districts, while Rural Districts are made up of Rural Parishes (or 20-30 in a District) (Odoh, 1990).

Each of these divisions or units has its own powers and duties and administration by its elected council. But meanwhile, the numbers of these units are as follows: 58 County Councils, 82 County Borough Councils, 264 Non County Borough Councils, 532 Urban Districts Councils, 3,300 Parish Meeting.

Greater London Boroughs are responsible for such services as, housing, water supply, sewage, minor roads and bridges buildings. Services of urban and rural district councils are similar to those provided by noncounty borough councils except that the rural districts are not responsible for highways, bridges and libraries. Parish councils are able to provide local amenities including allotments, village halls, playing fields, street lighting upkeep of footpaths, etc. However, a new structure emerged as from 1974 even though it did not affect Greater London.

Moreover, there has been no fundamental difference between the Traditional and New structure. First the structure of Greater London was untouched. Second, the Plurality of administrative counties has been neatly divided into Non-Metropolitan which is now used to qualify the type of County Council except that the use of “Urban” has been dropped with only Districts retained.

In Wales, there is no such broad distinction but the name urban is also dropped. Generally, for nonmetropolitan area local governments parade a three-tier structure (just as in the traditional local government system). The same is true for Wales except that the name of the “Parish” has changed to “Community”. For Metropolitan areas in England, a two tier system is still visible as in the traditional system, except that the term “urban” has been removed.

3.3. Organs of Local Government

A. The Council

The council is the main representative organ of local government. A council is an essential part of every unit of local representative government. The role of the council as a representative body

varies with the evolution and the mechanics of the processes of local government in each country. The degree to which a local unit has a representative government depends largely on two factors. The one factor is the extent to which the membership of a council represents and is answerable to the public, and the other factor is the extent to which the council has the authority and power to define local policy objectives and to have these objectives implemented (Humes & Martin, 1969: 80-81).

A unit of local representative government has one or more representative organs with some authority to govern. Almost invariably one of these organs is the council, which offers the opportunity to discuss and give advice on local issues, but also has the responsibility for making decisions authorizing or directing the local staff to perform tasks. The council makes decisions by such acts as passing the budget, enacting ordinances and by-laws and making or approving appointments (Humes & Martin, 1969:82). The council approves and in many cases amends proposals submitted to it, and generally may take the initiative in making proposals. A council with decisive authority may take decisions regarding matters of overall policy objectives or of relatively more minor matters concerning the routine co-ordination of staff (Humes & Martin, 1969: 82).

The number of members of local councils varies, in general, with the population of the unit of local government. The size of councils, however, is also closely interrelated to their role in local government structures. The largeness or the smallness of the council affects its representative character, its effectiveness and the nature of its deliberations (Humes & Martin, 1969: 86).

Large councils must rely heavily on the executive organs, or on the committees of councilors both, to be effective. A large council makes it possible to have more citizens participate in local government work, therefore making local government more representative and closer to the people. Size is a relatively minor factor in the determination of the representative character of a council; more important are the methods of selection and the degree to which the members of council can responsibly and effectively represent the will of the electorate. A council with a very small membership often allows little opportunity for the expression of minority opinions and may thus be at a disadvantage in knowing the thinking, desires and needs of the people (Humes & Martin, 1965: 86-88).

Private citizens appointed to the council are selected for a variety of reasons. Upon appointment to the council these private citizens are referred to as councilors. Councilors may be leading citizens who contribute wisdom to the discussions of council and stature to its public image. Councilors may also be political supporters of the party leadership, which controls the nomination, or they may represent minority groups whom it is politically advantageous to include on the council. Appointed councilors are frequently among the hardest workers in council activities (Laski, 1936: 87). Supporters of the appointment method of selecting councilors emphasize the importance of having some members who can afford to ignore the political pressures faced by those who must contest elections. Appointed members are more sensitive to the wishes of the political leadership responsible for their appointment than to public sentiment. Terms of office for a counselor, therefore, should be short enough to provide for electoral control, but long enough to provide time effective action and continuity (Steiner, 1956:

b .The Council Chairperson and the Secretary

No council can operate without a chairperson. The function of the chairperson is to promote and maintain orderly discussion within the council. The chairperson is responsible for order and his /her unique positions of being the focus of all remarks in the course of a council meeting provide him/her with ample opportunities for guiding the discussions (Wheare, 1955: 39-40). The chairperson has some opportunity to influence council decisions by virtue of his/her participation in the developing of the agenda for the council session.

Usually this is drawn up in co-operation with the secretary or clerk. The chairperson is in a crucial position to determine what items will be discussed and in what order. The chairperson moderates or controls the discussion (Wheare, 1955: 39-40). The chairperson exerts influence over the discussion and decisions by recognizing and encouraging speakers as well as by discouraging others, by the manner in which he accepts, defers and declines motions and amendments and even by the timing of calls for meetings. The chairperson is expected to exercise an impartial role. Council election is the general method for choosing a chairperson (Humes & Martin, 1969: 96).

A secretary of council has the task of recording the minutes, keeping the records and usually the actual preparing of the agenda. This official must work closely with the council chairperson and

usually is in a strategic position to give the latter advice on the initiation and guidance of council deliberations. Usually the council secretary is a salaried full-time career official in the local administration. His/her knowledge of administration and his/her experience in local government make his/her advice valuable and therefore less likely to be ignored (Humes & Martin, 1969: 96-97).

C. The Executive Committee

Due to the limited size of the council it is difficult for the council as single structure to perform all the actions necessary within local government. Therefore certain supportive structures have been created to assist the council in the execution of its tasks. One of these structures is the Executive Committee. The Executive Committee is an executive organ of a unit of local government that has the central overall task of directing, initiating and co-coordinating all or most of the activities of the unit. There are three essential, interdependent duties of an executive organ: initiation, integration and interpretation. An executive organ is expected to take the initiative in developing and implementing those measures, which are in the best interests of the public and those that are necessary for the efficient administration of local services.

A second essential duty of an executive organ is integration; it is expected to integrate and co-ordinate all the various local activities into one effective whole. Another essential duty of an executive organ is interpretation for the making and implementing of policy is one continuous process of exposition. Policy objectives must be interpreted to those who help with implementation if the tasks are to be carried out meaningfully (Humes & Martin, 1969: 113-114). The executive committee of a local government is a plural executive organ composed of elected persons. It is responsible to the council and generally has fewer than eight members. The elected persons on the executive committee are chosen by and from the council. The term of office of the elected executive committee members coincides with the term for the council

(Urwick, 1957: 44-45).

The tasks of the executive committee could be divided according to two different points of view. The one viewpoint is from the side of the council to whom the executive committee is responsible; the other viewpoint is from the side of the staff for whose activities the executive committee is responsible. In the representative aspects of the process of local government, the

executive committee is the steering committee of the council and is expected, along with the chief executive officer (to be discussed further on in the chapter), to provide overall initiative in the policy-making process. The executive committee also goes over the council agenda and makes recommendations on the items to be discussed and the final form of the proposals to be submitted to council. An executive committee generally has broad latitude to exercise discretion as long as decisions are in accord with policy as determined by the council. The executive committee usually also has a fairly broad power to make decisions on matters which come up between council sessions and cannot be held over until a succeeding meeting. The executive committee is responsible for the overall co-ordinated implementation of the decisions of the council (Locke, 1957: 1-7).

The importance of the executive committee is demonstrated by the fact that the chairperson is almost invariably the most important single position in the local government structure from which the formulation, exposition and implementation of municipal policy can be influenced. The role of the executive committee chairperson is dependent on the extent of his executive power, both within the executive committee and in other capacities. It is inevitable that the collective power of the executive committee is focused to some extent on the chairman. The prerogatives of the chairperson as presiding officer of the executive committee meetings provide him/her with a natural opportunity to present ideas, guide discussions and influence decisions (Locke, 1957: 1-7). The capacity of the chairperson to focus this collective power in him/her is strengthened by the fact that he/she is usually accepted by most, if not all, of the executive committee members, as well as by the council, as the leader and representative of the executive committee. The executive committee considers matter referred to it by the standing committees and special committees. An analysis of the functions and composition of these committees follows.

.D. Special and Standing Committees of Council

A distinction has to be made between standing committees and special committees. Special committees, or ad hoc committees, are appointed for a special task and their existence is expected to terminate upon completion of that task. A standing committee is a continuing body although its membership may change. A standing committee is considered to be permanent, at least until there is a general reorganization of the system of committees of a council. Standing

committees play the more important roles in the continuing process of local government (Laski, 1936: 82).

Most committees specialize in matters dealing with one particular geographical area, activity or management aspect of local government. The majority of council committees are set up to deal with matters affecting a particular purpose or activity, such as libraries, education or public health. Often the arrangement of these committees corresponds to a certain degree with the organization of the departments of the local authority. This arrangement along so-called vertical lines allows the education standing committee, for instance, to work closely with the education department. The decisions of the committees must receive the approval of the council (Wheare, 1955: 66). A council, through its leaders, may exercise its control over the committees in an informal manner, and much of the control over committee decisions may be exercised through informal contacts between committee and council leaders.

The size of the committee can vary considerably, but generally the size ranges between three and twenty members. An argument for the use of committees is that it enables fewer people than the whole council to be associated with a particular process. The workload of the council is passed on to smaller organs, which may more thoroughly assess relevant factors in making a decision. When the committees themselves are too large to deal with the volume of work presented to them, the committees tend to subdivide into smaller bodies or working groups. A committee may be used though, not just to enable fewer people to be associated with a particular process but also to enable more people to be associated with a particular process (Humes & Martin, 1969: 100-102). The smaller membership of a committee of council does not preclude the possibility of using committees as an opportunity to expand public participation in the representative governmental process.

The nominations of committee members are approved by councils. Councils whose committees consist mainly of council members generally have a small group prepare a list of which members should serve on which committees. This small group is in some cases formally constituted as a special committee and usually consists of the most important individuals on the council with the council chairperson and majority party leadership usually having a key role in its deliberations. Usually a council member who has been selected to serve on a given committee continues in this position as long as he is re-elected to the council. The general practice is to include members

from all parties represented on the council; however, committees are often packed with members of the majority party - either as a matter of patronage or to control decisions, or both (Robson, 1954: 39).

The committee chairperson and the secretary have positions of considerable importance. The chairperson is generally a senior or leading member of the committee who is selected by the committee itself or by the council. Once selected, a chairperson often continues to be re-elected to this post. To a large degree the effectiveness of the committee is dependent upon the chairperson's personality and ability, for the chairperson of a committee, like the chairperson of council, can do much to determine the scope of discussions and guide the conclusions of the group over which he presides. In some cases a committee chairperson may exercise more power in his relations with his committee than a council chairperson can with regard to the council as a whole (Humes & Martin, 1969: 102-103).

A committee secretary, in some cases the chief administrative officer or his/her assistants and, in many cases, a department head, renders advice, furnishes statistical information and explains and answers criticism concerning the working of the department. He/she has to undertake the execution of any work after obtaining the financial and administrative sanction of the committee.

The council and its committees form the political or legislative authority. To implement the decisions of the political or legislative authority, an administrative authority is required. The administrative authority is comprised of the Chief Executive Officer, departmental heads and staff members. These will be discussed below.

E. The Chief Executive Officer

In the past, the term Town Clerk was used to refer to the position of Chief Executive Officer. This created confusion as this person was seen as the clerk of the council. The post of the chief executive officer is essentially and pre-eminently the focal point of a local government structure. He/she is the principal person coordinating the representative and staff aspects of the process of local government. As the focal point in the local government process, the chief executive officer works closely with the council in the development of policy and directs staff in implementing policies (Humes & Martin, 1969: 125-126). In many instances, he/she also aids the executive committee in coordinating these two aspects of government at a local level.

The chief executive officer does not only take the leading part in formulating ideas, but also has an important expository role as the mobilizer of support for proposals. As the focus for the development of the proposals, he/she is expected by the council and the public to ensure their favorable consideration. The effective chief executive officer, either directly or indirectly, must not only build up enough support in council so that his/her proposals are adopted but he/she must also develop sufficient support within the electorate so that he/she and those council members who support his/her proposals are reelected to office (Ridley, 1959: 13). As the focal person charged with the coordination of the implementation of policy, he/she has the resources to find out about and thereafter explain the various technical aspects involved in carrying out decisions as well as how specific decisions will fit into overall local government policy (Humes & Martin, 1969: 127).

A decision of a representative organ remains practically meaningless until it is transformed into action. This indicates why the role of the chief executive officer as the head of the local staff is as important as his/her part in the formulation and exposition of decisions of the council and the executive committee. Invariably the use of executive power involves some exercise of discretion. The amount of discretion exerted depends partially on national and local customs, partially on the laws pertaining to the local unit, and partially on the rapport existing between the local chief executive and the other governmental organs, including the organs of higher units as well as local representative organs and staff (Steiner, 1956: 190).

The local chief executive officer, as the apex of the administrative hierarchical pyramid, is charged with carrying out the overall policies made for the local unit by the organs of higher units of government or by local representative organs. He/she, often with the executive committee, therefore has the right and the duty to make such decisions as may be necessary to supplement and carry out the policies of higher units, or of local representative organs, or of both (Robson, 1954: 39). An essential aspect of this job is the duty to lead in preparing and controlling the execution of the budget. He/she has the duty to supervise the employees of local units, to co-ordinate their activities and to maintain their efficiency.

Chapter IV

4. Center Local Relations

4.1. Allocation of Power

A. Decentralization

“... Decentralization, or decentralizing governance, refers to the restructuring or reorganization of authority so that there is a system of co-responsibility between institutions of governance at the central, regional and local levels according to the principle of subsidiarity, thus increasing the overall quality and effectiveness of the system of governance, while increasing the authority and capacities of sub-national levels. ... Decentralization could also be expected to contribute to key elements of good governance, such as increasing people's opportunities for participation in economic, social and political decisions; assisting in developing people's capacities; and enhancing government responsiveness, transparency and accountability.

While decentralization or decentralizing governance should not be seen as an end in itself, it can be a means for creating more open, responsive, and effective local government and for enhancing representational systems of community-level decision making. By allowing local communities and regional entities to manage their own affairs, and through facilitating closer contact between central and local authorities, effective systems of local governance enable responses to people's needs and priorities to be heard, thereby ensuring that government interventions meet a variety of social needs. The implementation of SHD strategies is therefore increasing to require decentralized, local, participatory processes to identify and address priority objectives for poverty reduction, employment creation, gender equity, and environmental regeneration.

Decentralization stimulates the search for program and policy innovation, first of all because it is, per se, an innovative practice of governance. Second, because through its implementation, local governments are required to assume new and broader responsibilities in order to provide public services for all. The assumption of new responsibilities through decentralization often requires improved planning, budgeting and management techniques and practices; the adoption of new tools; and the development of improved human resources to operate the decentralized programmes.

B. Devolution

The first type is autonomous lower-level units, such as provincial, district, local authorities that are legally constituted as separate governance bodies. The transfer of authorities to such units is often referred to as devolution and is the most common understanding of genuine decentralization. Through devolution, the central government relinquishes certain functions or creates new units of government that are outside its direct control. Federal states are by definition devolved, though the extent of legally defined and shared powers devolved by the federal government to lower level governmental units can be quite limited. Devolution in its purest form has certain fundamental characteristics.

- First, local units of government are autonomous, independent and clearly perceived as separate levels of government over which central authorities exercise little or no direct control.
- Second, the local governments have clear and legally recognized geographical boundaries within which they exercise authority and perform public functions.
- Third, local governments have corporate status and the power to secure resources to perform their functions.
- Fourth, devolution implies the need to "develop local governments as institutions" in the sense that they are perceived by local citizens as organizations providing services that satisfy their needs and as governmental units over which they have some influence.
- Finally, devolution is an arrangement in which there are reciprocal, mutually beneficial, and coordinate relationships between central and local governments."

C. Delegation

The second type is semi-autonomous lower-level units, such as urban or regional development corporations to whom aspects of governance are delegated through legislation or under contract. This is a fairly common variant of decentralization that stops short of devolution, but involves significant delegation of authorities and responsibilities. Delegation refers to the transfer of government decision-making and administrative authority and/or responsibility for carefully spelled out tasks to institutions and organizations that are either under government indirect control or semi-independent. Most typically, delegation is by the central government to semi-autonomous organizations not wholly controlled by the government but legally accountable to it, such as state owned enterprises and urban or regional development corporations.

D. Deconcentration

The third type is sub-ordinate lower-level units or sub-units, such as regional, district or local offices of the central administration or service delivery organization. These units usually have delegated authority in policy, financial and administrative matters without any significant independent local inputs. This type of arrangement is most often referred to as deconcentration and involves very limited transfer of authority. It involves the transfer of authority for specific decision-making, financial and management functions by administrative means to different levels under the same jurisdictional authority of the central government. This is the least extensive type of administrative decentralization and the most common found in developing countries. General deconcentration occurs to the extent that a variety of tasks are deconcentrated to a horizontally integrated administrative system. Functional deconcentration occurs to the extent that specific tasks are deconcentrated to the field units of a particular ministry or agency

4.2. The Centralization Decentralization Continuum

In this case, centralism and decentralism are two different paradigms having shared objective, i.e. promoting good and democratic governance. According to the first paradigm, good government arises (within a democratic framework) wherever power is effectively centralized in the hands of a single party, thus establishing a system of effective accountability at all levels of government. On the contrary, according to the second paradigm, good government arises from institutions that are diffuse and decentralized, where multiple veto points check the increase of power in any single source (Gerring, Thacker, and Moreno, 2004: 3).

Centralization, by definition, is the concentration of administrative power in the hands of a central authority, to which all inferior departments and local branches are directly responsible; while decentralization the weakening of the central authority and distribution of its functions among the branches or local administrative bodies. Total decentralization would require the withering away of the state, whereas total centralization would imperil the state's capacity to perform its functions (Cummings 1995: 103, Hutchcroft 2001: 31, Gerring, Thacker & Moreno 2004: 4-11). A crucial question occurs in the context of centralization and decentralization discourse: where is the position of deconcentration, and how do we explain the relationship between centralization, decentralization, and deconcentration? In some articles written by

Dickovick (2003), Hutchcroft (2001), and Cummings (1995), decentralization has been analyzed from the reverse view of centralization. In this case, centralization has two major variants, i.e. concentration and deconcentration (FAO 2006: 31).⁹ Since deconcentration is one of centralization variants, then people starts to identify deconcentration as an expression of centralization. As a result, deconcentration is frequently thought as a contradictory concept to decentralization. The next question would be: is decentralization and deconcentration really a dichotomy, or are they moving along the same continuum? In the dichotomy principle, decentralization and deconcentration is replacing or overwhelming each other. There is only one choice available, either decentralization or centralization (deconcentration). Meanwhile, in the continuum principle, decentralization is complement to deconcentration. In addressing such dilemma, UNDP (1999: 3) concludes that decentralization is not an alternative to centralization; both are needed. Similarly, Cummings (1995: 109) also alleges that the question of centralization or decentralization is simply a matter of proportion; it is a matter of finding the optimum degree for the particular concern.

The most important thing in managing relationship between central and local government in a certain country, therefore, is creating a sustainable equilibrium between centralizing and decentralizing forces.

According to Kauzya (no year: 9), in every country there are always centripetal forces tending towards centralization and centrifugal forces tending towards the periphery. All countries, centralized or decentralized, always seek to find an appropriate mix of these types, the central question always concerning how much decision making power to transfer to local governments. Decentralization is undoubtedly essential to promote good and democratic governance, but decentralization succeeds best in situations where there is a strong central government in terms of legitimacy and capacity (Kauzya, *ibid*).

The interplay between centripetal and centrifugal forces can lead to either total unity (strong centralized, unitary state) or total disintegration. But, it can also lead to a mid-point equilibrium of decentralized governance with shared exercise of power.

4.3. Conflict of Objectives and Priorities

4.4. Mechanisms of Central Control

Under the principle of the present system of local autonomy, the central government, in its dealings with local authorities, is required to respect their independence, and to limit the exercise of its administrative powers and involvement with local affairs only to cases requiring nation-wide comprehensive policies. Such involvement or intervention must be approved on a case-by-case basis according to the law. Intervention generally takes three forms: legislative, judicial and administrative.

(a) **Legislative Intervention** The central government may intervene in local authorities' affairs by legislation enacted by the Diet insofar as it does not contradict the idea of local autonomy stated in the Constitution.

(b) **Judicial Intervention** All law suits involving local authority must submit to the jurisdiction of the Court of Justice. Litigation between the central or local government concerning the scope or execution of powers may not be regarded as a lawsuit in the strict sense of the word, but the way is open to submit such disputes to judicial proceedings.

(c) **Administrative Intervention** Administrative intervention is the most common form of central government intervention in local affairs. It can also take the form of quasi-legislative intervention (cabinet orders, ministerial ordinances, etc.), or quasi-judicial intervention (administrative appeals, etc.), but the most frequently used form of intervention is administrative. Administrative intervention can be divided into two types: non- authoritarian (advice, recommendations, notifications, etc.) and authoritarian (permissions, indications, etc.). These types of intervention need to be based on statutes or cabinet order and must give consideration to the autonomy and independence of local authorities. If a local government has any objections to such an intervention, it can file for a review by the Central-Local Government Dispute Resolution Council.

4.5. Factors Limiting Change in Local Government

1. Political (Citizen) Involvement

What appears to be occurring at the local level is that city and county managers and their legislative boards are increasingly using the budget to better understand how citizens, rather than

internal participants, see government. Such a transformation will have a major effect on budget allocations and the relative size of city and county agencies.

In fact, we should anticipate greater diversity among local governments in type and quality of services provided, particularly as communities develop reputations for having strengths in particular services. And given the powerful differences in service preferences that have been documented among age groups, we should also anticipate further segmentation of communities along generational lines.

Types of citizen involvement to obtain citizen feedback: citizen surveys; neighborhood forums; town hall meetings; and interactive websites.

2. Economic Influences

A number of factors can influence the economic environment of local government budgeting, including:

Economic cycles. Economic downturns affect local budgets in two main ways. First, revenues may decline, especially such revenue as sales or income taxes, which are more sensitive to economic cycles. Second, during a recession, state and federal revenues are often hit hard, which means that intergovernmental aid to local governments may decline.

Inflation. Inflation creates uncertainty in local government revenue and expenditure forecasts. When the cost of living increases rapidly, organized labor exerts pressure to keep wages current with inflation.

Interest rates. Changes in interest rates can also affect the budget, although their effects are not as great at the local level as they are at the national level, where the federal deficit requires continual borrowing.

Competition among local governments. Because it affects taxation decisions, competition among local governments for new residents or business investment also exerts an economic influence on local budgeting.

You can prepare for economic influences by (1) prohibiting departments from spending all their allocations, holding back on permission to hire new staff or make other contractual commitments, building reserves or rainy day funds; and (2) obtaining a competitive advantage over other jurisdictions is to export the tax burden, lifting it from residents to nonresidents. Such action reduces taxes on residents while allowing service levels to be maintained.

3. Social and Demographic Change

Changes in three social and demographic factors – population, age distribution, and personal income – have significant and lasting effects on local budgets.

Population. As population increases and fixed costs are divided among more households, the resulting economies of scale will mean lower per-unit costs. Because financial obligations do not decline in proportion to population loss, communities with declining populations have difficulty reducing spending.

Age distribution. Spending for public education, public safety, and recreational services are the budget categories most likely to be affected by the age distribution of the population.

Personal income. Research consistently shows that growth in personal income significantly affects the size of local government budgets. Higher-income households often demand more and better services from government, although these same households are more likely to advocate limited government, especially at the state and federal levels.

4. Legal and Intergovernmental Matters

Legal and intergovernmental factors shape local budgets in three principal ways:

Budgetary balance. The legal environment in which state and local budgeting operates typically requires budgetary balance – that is, current revenues must equal current expenditures. Requirements for budgetary balance are complicated by a technical question: Is the budget balanced on a cash basis (i.e.; revenues are recorded when cash is received, and expenditures recorded when disbursed) or on a modified accrual basis (i.e., liabilities are recognized at the time they are incurred, and revenues are recognized when they are available for budgeted purposes)?

This question is important because cash balances can be easily manipulated: to make the budget look more balanced than it is, payments can be delayed until the following fiscal year and revenue collections can be accelerated for credit to the current year.

Mandates. A mandate involves one level of government requiring another level to provide particular services or follow certain procedures, as well as specifying the quality or frequency of service provision. Both the federal and state government imposes mandates on local governments.

The problem: Unless the federal or state government also provides full funding to implement the mandates, local officials may have to cut other services to comply. Communities suffering the effects of recessions have sometimes been hit simultaneously by unfunded mandates and cutbacks in state spending.

A combined effect. Forbidding particular revenue sources, constraining tax increases, requiring balance, and mandating some services and service levels, are a combination of factors that has created enormous fiscal stress at the local level during the past three decades.

5. Comparing Local Governments in Practice

5.1. The British System

The United Kingdom of Great Britain and Northern Ireland (known as 'the UK') is a union of three countries: England, Scotland, Wales, and the province of Northern Ireland.^{50.1a} It has a central bicameral parliament based in the capital London and comprises the House of Commons and the House of Lords. The former, known also as the lower house, has 650 members elected using the first-past-the-post system and each representing an individual constituency for a fixed term of five years. The members of the House of Lords, or upper house, are appointed. There is no fixed number of members for the House of Lords, which currently has 753 active members, the majority of whom are life peers appointed by the monarch on the advice of the prime minister. The House of Lords includes 26 senior bishops of the Church of England and 92 members elected by the Lords to represent hereditary peers. Following the 2017 national election, 32.0% of MPs and 25.7% of members of the house of lords were women.^{50.1b} The head of state is HM Queen Elizabeth II, who appoints the head of government, the prime minister, who is usually the leader of the majority party in the House of Commons, and has the power to appoint a cabinet from members of either house. There are devolved governments in Scotland, Wales and Northern Ireland but not England.

Structure of Local Government

Local governments within the state Scotland, Wales and Northern Ireland each have a unitary, single-tier system of local government. England has a mixed system of either single-tier local government in the form of unitary authorities, London boroughs and metropolitan district councils; or two-tier local government with county councils as the upper tier and district or borough councils as the lower tier. In England, Wales and Scotland there are also smaller units of local representation, known as parishes in England and community councils in Wales and Scotland. However, these are not uniform and do not cover the whole population.

5.2. Local Government in France

In the political organization of France the so-called ‘Jacobean logic’ plays an important role. The Jacobean logic owes its name to the Jacobinists, whose influence whittled away the decentralist character of the revolutionary constituents after the French Revolution. The logic is best summarized by the expression ‘L’une et indivisible République’, ‘the one and indivisible Republic’ which stands for a tendency towards centralization and uniformity. However, there are competing principles of logic in France, such as regionalism and federalism. The system that existed before the decentralization reforms of 1982 has been labeled ‘tamed Jacobinism’, because of the balance between the seemingly dominant centralist state and the countervailing local forces of the *notables locaux*. Although the reforms of 1982 had a strong regionalist element, they were described in terms of Jacobean logic: the decentralization would promote the unity and indivisibility of the Republic (Wollmann, 2000; Loughlin and Peters, 1997).

Even though the French system of government has gone through many major changes, the underlying culture has remained the same. This culture entails a broad consensus on France being a centralized nation, as laid down in the Constitution’s 20th Article; the central government decides and directs the nation’s policy. This central dominance affects the position of sub-national governments, which are considered subordinate to the center. More in general, it affects the relations between the state and society.

The current constitution gives the state all the necessary instruments of government leadership and societal control. The French ‘Jacobean’ logic implies, amongst others, that elected national and subnational governments must carry out ‘the will of the people’ directly, without mediation by other interests. The public will over rules the pressure of specific interests. Organized interests are, therefore, viewed with suspicion (even after 1901, when interest organizations were given the right of establishment without prior government authorization), both by the government and by the population. Much more in accordance with the French model are social protest movements, which are swiftly organized and as swiftly dissolve. Confrontation is considered a legitimate, sometimes even the only, way to be heard. In most cases, the government reacts with either appeasement or repression (Schmidt, 2000). From this state-society relationship a specific pattern of policy processes emerges. The state often formulates policies unilaterally, without first consulting groups that may be affected. Schmidt calls this

‘heroic’ policy (Schmidt, 2000: 143). Often, society reacts with resisting a policy. In case of resistance, the state usually is ‘weak’ in the implementation of the policy, adjusting it or even abandoning it in response to the protest. In some sectors, accommodating the public view starts as early as at the stage of policy formulation. The extent to which a sector is subject to ‘heroic’ policymaking depends on its relationship with the state. In general, sectors that have close ties with the state (such as business and agriculture) are less often faced with ‘heroic’ policies than those that operate at a distance (such as labor). More than forty years after the establishment of the Fifth Republic, state and society and their relationship with each other have changed. The state is less certain of its leadership capacities, although it sometimes still tries to operate ‘heroically’. Society is less willing to be led, although it is not sufficiently organized to take the lead itself. As Schmidt (2000: 141) concludes, the state has modernized its relations with society, but the technocratic nature of the state remains, with a dominant administrative elite as well as the periodic re-emergence of the old heroic policy style.

The system of sub-national government

In the French system, the distinction between sub-national governments and administrative districts is relevant (OECD, 1997). Administrative districts (*circonscriptions administratives*) have no legal embodiment or autonomy as opposed to sub-national governments. The administrative districts are run by state officials who are hierarchically subordinate to the Prime Minister and the ministers in Paris. Examples of these administrative districts are *arrondissements* (of which there are 337, and which are not to be confused with the sub-municipal *arrondissements* in the three largest cities), *cantons* (3838 in total, which mainly serve as electoral areas) and the Court of Appeal jurisdictions. Sub-national governments (*collectivités territoriales*) have three characteristics in common: (1) a population, (2) territorial boundaries and (3) legal bodies empowered to make decisions in the name and interest of the population, of which the elected assembly is a notable example (Norton, 1994). Three levels of administration in France have these characteristics: the municipality (*la commune*), the department (*le département*) and the region (*la région*). The communes are based on a genuine historic social community (e.g. they correspond to a church parish). They were officially established in the days of the French Revolution. Nowadays, there are 36,763 municipalities in France, varying from small villages with less than a thousand inhabitants (77.1% of all municipalities) to large cities

like Paris, with more than 2 million inhabitants (European Public Administration Network, 2000). Differences in population size do not affect the rules that apply to the municipality: these are the same for all municipalities. However, differences in population size can influence the make-up of institutions. Paris is a municipality as well as a department (OECD, 1997). In 1982, another sub-national government was created in the three largest cities (Paris, Lyon and Marseille): the arrondissements. Legally, these institutions can be established in other cities as well, particularly in the case of amalgamations of municipalities with a total population of more than 100,000. In Paris and Marseille, the average population of the arrondissement is 100,000; in Lyon it is 60,000. The departments were created by the State, and are not based on a natural community. In 1790, all kinds of intermediate entities, like cities and provinces, were abolished and replaced by 83 departments. There are now 100 departments, four of which are overseas territories. A department can include one (Paris) to several hundred municipalities. To all these departments the same regulations apply.

The regions have existed longer as administrative districts, but did not become subnational governments until 1982. There are 26 regions. Four of them are overseas territories; these are both departments and regions and have the customary institutions. The other 22 regions can cover two to eight departments. To all regions the same regulations apply. There are some exceptions to the general application of regulations. In most cases, this concerns the overseas territories (Départementset Territories d’Outre-mer) (OECD, 1997).

5.3. Local Government in Russia

A. The Soviet Period

The first step along the path of democratization of local government in Russia was made in the end of 1980s when Russia was still a member of the Soviet Union. In the course of an experiment conducted during the 1987 elections to local Soviets, some rayon’s were allowed to have more candidates than there were seats open for ballot. In all pilot rayon’s taken together (about 5% of the total number of ray

on’s), there were 26 thousand candidates competing for 4.7 thousand councilor seats. In all other respects, local governments remained part of the same highly centralized administrative

hierarchy that was completely subordinate to the party apparatus. The pertinent features of local governments in these early years of transition were: `

1. lack of any distinction between the local and the state levels of government;
2. the jurisdictions of local governments exactly replicated the boundaries of the existing administrative division of the territory;
3. subordination of local governments to state and party authorities.

The next important landmark was the introduction of amendments to the USSR Constitution and to the Law On Elections of USSR People's Deputies in 1988. For the evolution of the institute of local self-governance, the most important amendments were those that established the direct right of the voters to nominate candidates, set forth legal guarantees of the right of local Soviets to exercise control over local state agencies and limited the term of the officials appointed by local Soviets.

The first law that used the term «local self-government» was the USSR Law On general principles of local self- government and local enterprise in the USSR (April 9, 1990) that opened the door to cardinal changes in the role of local government in the development of a civic society. Most importantly, this law established:

- 1.guarantees that local authorities are autonomous, independent and elected by popular vote;
2. the scope of competencies of local Soviets;
3. the transfer of communal property to the disposal of local Soviets;
4. revenue sources of local Soviets, including fixed sharing rates of federal taxes and a list of own taxes, levies and duties that local Soviets can introduce at their own discretion.

It should be noted that in that Law the requirement that local authorities be elected by popular vote applied only to representative bodies. The primary territorial level of local self-government established by this law coincided with the bottom level of administrative division that existed at that time in the USSR, which was a rural district, a township, a sub-region town or a city district. The first law on local self-government that came into force after the independence was passed on

July 6, 1991 when Russia was still part of the Soviet Union. The main progressive feature of this law was the requirement that not only representative bodies but also heads of local administrations be democratically elected. This law also decreed the dissolution of the so-called executive committees, or bottom level tiers in the hierarchy of state power.

B .The Post-Soviet Period

In the early years of independence the evolution of the legal framework of local self-governance in Russia essentially consisted of changing and amending the 1991 Law On local self-government in the RSFSR. The harmonization of this law with other legislative acts and most importantly with the Law On the foundations of the tax system in the RF (Dec. 27 1991) resulted, however, in watering down the gist of the law and limiting the revenue autonomy of local authorities. The dissolution of the Supreme Council of the RF in the fall of 1993 and the enactment of the new Constitution marked the beginning of a revolutionary phase in the development of local self-government in Russia. The so-called «municipal revolution» originated in the center. It was fueled by the desire to counterbalance the growing political opposition of the regional elite. New departments of federal agencies were specifically commissioned to provide support to the bottom level tier in the hierarchy of Russian statehood.

The availability of an ally such as the body of autonomous local self-government authorities and independence of local self-government leaders from the regional administration played into the hands of the team of Russian reformers who had to implement often unpopular policies of the federal government. The 1993 Constitution was followed by a number of other laws initiated by the federal center that established the procedures of forming local governments and set the rules for their operation. All these laws were aimed at strengthening the autonomy of the bottom-level tier of public administration. Having determined the relations between the central and the regional levels of government as those of a federal state, the central government had at the same time curtailed the rights of the regions with respect to local governments by replicating the federative relations between the center and the regions at the subnational level, though in a somewhat weaker form. The majority of regions had benefited from the federalization of their relations with the center, but they were reluctant to give up any of their powers with respect to sub regional territories. In contrast to decentralization of power at the federal level, they preferred a paternalistic model of relations with the local governments, and instead of making

efficient use of the new levers of control – the legislative initiative and law enforcement; they opted for the «re-institution of the vertical axis of executive power». One of the first actions undertaken by President Vladimir Putin following his inauguration on December 31, 1999, was to dismiss one of the key advocates of local self-governance in the federal administration from his position as head of the Department of Local Governments in Office of the President.

The Department itself was liquidated soon after. The preferences of the governors for centralization were echoed in the policy of strengthening the entire vertical of power from top to bottom conducted by President Putin from the very start of his term in the office. The Office of the President became the source of legislative initiatives and administrative decisions that led to reinforcement of administrative methods of control in the Russian State at all levels of power. Constitutional and other legal guarantees of local self-government

The Constitutional Foundations of Local Self-Governance

In the 1993 Constitution lists the institute of local self-government among the foundations of the constitutional order of the Russian Federation along with the institute of the state power, federative organization of the state, republican form of rule and other provisions of Chapter I of the Main Law of Russia.

In Chapter I of the Constitution, bodies of local self-government are listed among the institutions through which the people exercise their rule (alongside with direct democracy and democracy exercised via bodies of state power). This Chapter also provides for municipal ownership of land. Article 12 unequivocally determines that «bodies of local self-government do not form part of the system of state power».

The Constitution has replaced the administrative subordination of local authorities to the regional ones with a legal regulation framework. Chapter 8 of the Constitution is entirely devoted to local self-governance. The four articles of this Chapter provide the following guarantees:

- independence of local communities in addressing issues of local importance;
- diversity of local self-government organization models;
- when determining the boundaries of local self-government jurisdictions, regional authorities must take into account the preferences of local communities;

- financial autonomy (albeit limited) of local governments is achieved via discretionary management of municipal property and implementation of budgetary rights with respect to local revenues and expenditures;
 - provision of adequate funding for performing state functions, if such functions were delegated to the local government by the decision of state (federal or regional) authorities;
 - reimbursement of local governments for the costs of implementing federal mandates.
- The Constitution establishes that establishment of general principles of local government organization is a joint responsibility of the federal center and the regions. To fulfill their part of this joint responsibility, federal authorities have passed a number of laws that set the rules for local government organization. These include: On general principles of local self-government organization in the Russian Federation, Aug. 28, 1995; On ensuring the constitutional rights of the citizens of the Russian Federation to elect and be elected to bodies of local self-government, Nov. 26, 1996; On basic guarantees of electoral rights of the citizens of the Russian Federation, Sept.19, 1997; On financial foundations of local self-government in the Russian Federation, Sept. 25, 1997.

