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Regionalism and sub-regional representation: a guide for potential county reorganisation of Croatia

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Summary

Aim of the paper is to explore issues of regionalism and especially representation of subregional identities in regional institutional setting. This is especially important for Croatia as she struggles with failed attempts to introduce territorial restructuring of its *meso* level of local government (counties) and increase the size of its counties parallel with stronger decentralisation push. Academic community and general public advocate transformation of 20 counties into 5 bigger and stronger regions but opposition from interest groups connected with current county system. This paper focuses on ways to overcome some of the stronger disagreements over the potential "bundling" or amalgamation of areas with differing and specific cultural, political, historic and socio-economic heritage into a greater region. Therefore, comparative analysis of subregional representations in selected European countries will be used to show the way for the resolution of the impasse.

Key words: regionalism, regionalisation, subregional representation, regional parliaments, counties, Croatia, local government

1. Introduction

Current academic, political and public discussions about regionalisation of Croatia are connected with the need to redefine its current county structure. Croatia introduced counties in 1993 as a part of institutional transformation of previous communal system (*komunalni sistem*) into modern local government system organised on the basis of administrative and political decentralisation an principle of subsidiarity. Instead of following trends of the time when it comes to regional government organisation in European countries, Croatia had found its inspiration in nineteenth century county organisation of then Croatian territories. This resulted in introduction of twenty rather small counties as middle (regional) tier of self-government. In addition, Zagreb as the capital city was granted special status – of town and a county at the same time – raising the number of counties to twenty one in total. Up until constitutional reforms from 2000, counties had a dual role. They were at the same time central government units and self-governing units. However, their role of central government units was predominant in comparison with the role of self-government units. During the nineties, counties were one of the main instruments of centralisation of Croatia.

With the constitutional changes in 2000 and adoption of new local government legislation, role of the counties was significantly changed. They became solely self-governing units and their role of central government units was – although still present – separated from their role of local government units. Despite the reforms that were promoting decentralisation, territorial structure of counties remained intact. That probably remains the critical issue regarding the position and role of the counties in Croatia. Counties, although being units of regional self-government, are not perceived as significant actors in the whole public governance system. They lack capacity to provide wider array of public tasks and their financial situation in not promising either. Only four counties have positive fiscal position (Bajo et al, 2015). There is obviously a need to reform Croatian county structure in order to transform it into real regional tier of government with smaller number of larger units. There are several priorities of the much needed reform, such as: a) territorial restructuring that would decrease the number of counties from 20 + Zagreb to 4 + Zagreb, b) strengthening their fiscal position and widening the scope of counties self-governing scope of affairs, c) strengthening their coordinating role regarding local units on their territory and d) orientation of counties on issues on economic and social cohesion (Đulabić, 2011).

¹ For the position of counties after 2001 decentralisation see e.g. Koprić, 2001

Main research question of the paper is how large political regions should be and how various subregional identities have been represented in institutional structure of these regions, mainly in representative bodies as main democratic institutions of representative democracy? Do bigger regions allow preservation of subregional identities or are these identities completely absorbed by wider regional identity? How subregional identities have been represented in institutional structure of wider regions? These questions are important for several reasons. First, constant increase of costs of performance of public affairs require stronger organisational base of regional units. This is the case with several current territorial reforms in some European countries which are trying to reduce number of regional units as a result of cost saving policy.² Secondly, every regional identity consists of several subregional identities which are expressed with different intensity. These subregional identities become strong if territorial organisation of particular country supports their expression. In this case, any latter attempt to rationalise territorial structure of the country becomes practically deemed to be unsuccessful. Croatia faces such situation with counties being practically petrified as units of regional self-government although there are more and more voices in favour of their rationalisation and reduction their number. One way forward in such situation is to examine the possibility to ensure representation of county identity of some counties in institutional structure of future larger units.

The paper is divided into five parts. This introduction is followed by analysis of interconnectedness of political ideology of regionalism and regionalisation as an effort to introduce regions in institutional architecture of particular country. Part three deals with subregional representation as particularly important issue of regionalisation and creating bigger political regions comprised of several local communities which often have stronger subregional political and social identity. Part four deals with a need in Croatian society advocated by various actors in society (e.g. academic community, media, general public and some smaller political parties) to reform current county structure which is perceived by as too fragmented and not suitable for performance of tasks connected with the regional government tier. Concluding part combines previously elaborated arguments and sketches main points that could lead potential reorganisation of Croatian county structure.

2. Regionalism and regionalisation – two sides of the same coin

² France is being the most prominent example of such reforms with decrease in number of regions from 22 to 12. The reform was introduced by law from 16 January 2015. Italy is also on the way to abolish some of its provinces which were sometimes regarded as useless institutions.

Regionalism is a distinct political ideology that tries to make a region as a centre of political and social construction of particular society. Today it is considered to be a legitimate political idea despite the fact that regionalism is not, and has never been, a homogenous social and political movement. Keating (1998: 10, 11) distinguishes between six types of regionalism that could be noticed from the nineteenth century onward. Regionalism firstly developed as a conservative movement which was opposing modernisation of society and establishment of nation states. It was inspired by preserving existing privileges of particular interest groups attached with control of territory. It was followed by 'bourgeous regionalism' primarily connected with industrial and economically prosperous regions and their need to establish institutional structure that would support further progress and advancement of economically vibrant urban regions. Modernising regionalism as another type and is described as 'technocratic and depoliticised and less linked to class interest.' It was 'motivated by a largely depoliticised vision of development and modernisation.' (p. 10). Fourth variant of regionalism is associated with political left and could be labelled as 'progressive regionalism.' It emphasises further democratisation of society, equality and solidarity of various parts of a country. On the opposite side of political spectrum there could be found 'populist and rightwing regionalism' – a version or regionalism that opposes central state, fiscal equalisation and financial support of disadvantageous regions of a country. There are separatist movements that exist in many European states and represent another form of regionalism. It is directly against existing states and has clear goal of establishment of separate and independent state. This form of regionalism gained significant momentum with referendums in Scotland and Catalonia (although not formally recognised by the Spanish government) in 2014.

Regionalism is adaptable and flexible set of ideas about organisation and governing of states that could easily find its place within every major political ideology. As it is stated, regionalism '... has been linked at one time or another to almost all the ideologies, from the extreme left to the extreme right, passing through liberalism, social democracy and Christian democracy.' (Keating, 1998: 10).³

³ Truthfulness of this statement is clearly seen in Croatian politics, where several parties from different poles of political spectrum embrace and support the idea of regionalism and advocate strengthening the role of regions. One is Istrian Democratic Assembly (*Istarski demokratski sabor* – IDS), mainly left wing party with significant liberal agenda, while the other is Croatian Democratic Assembly of Slavonia and Baranja (*Hrvatski demokratski sabor Slavonije i Baranje* – HDSSB), nationalist party that advocates strengthening position of Slavonia and Baranja which are currently divided into five counties. While IDS is strongly opposing any amalgamation of counties that would result in Istria being part of a larger region, HDSSB would support amalgamation of five current 'Slavonian counties' into one larger region.

There is no unified and widely accepted definition of a region that could serve as a basis of unified conception of regionalism which would in addition be common to all (or at least most) European countries. It is rightly stated that 'it is impossible to define a basic concept of the region' despite the fact that 'regionalisation is a widespread trend in the territorial organisation of European States' (Marcou, 2000: 22). This is the main reason why some authors hesitate to define region as a concept but define different type of regionalisation instead (Marcou, 2000: 24). Marcou makes distinction between five types of regionalisation, namely a) administrative regionalisation; b) regionalisation through the existing local authorities; c) regional decentralisation; d) political regionalisation, or regional autonomy (institutional regionalism); and e) regionalisation through the federate authorities. However, there are several types of regions that we could speak about depending on the dominant criteria of classification. Having that in mind, we could talk about political, administrative, historical, statistical, development and economic regions (Đulabić, 2007) which are result of different type of regionalisation as referred previously by Marcou.

There are several important preconditions for effective and efficient functioning of regional institutions. 'Democratic potentials of the regional self-government depend on many factors, such as the design of representative and other political institutions, on the channels of direct democratic influence of citizens, on the self-government scope of affairs, on the discretion of regional authorities, on regional human, financial, organisational and other capacities, on the overall territorial organisation of a country, etc. In spite of similar historical and sociopolitical context, there are certain differences with regard to these factors, decisive to democratic role of regional governments in the region.' (Koprić, Đulabić, 2012).

Regionalisation has taken different forms in Europe and has been ignited by various reasons that are supporting regionalisation processes in European countries. On one side, we could find administrative reasons which aimed to introduce regionalisation in order to effectively manage central government affairs across the whole territory. This was especially case in large and populous countries and was aimed at achieving vertical integration of public governance. This was an initial stage of regionalisation in many countries and resulted in establishment of administrative regions without self-governing capacity.⁴ On the other side, there are strong political reasons supporting idea of regionalisation and are usually connected

⁴ Main elements comprising self-governing capacity of any given territory are local elections, legal personality of a territorial unit, wide scope of local affairs, autonomy in governing local finances, ability to regulate local scope of affairs, narrowed supervision (basically only control of legality of functioning) of central state, capacity to self organise its administrative apparatus, possibility to freely cooperate with other territorial units (domestically and across national borders), etc. – Koprić et al., 2014: 252, 253

with strong regionalism movements. Political reasons which aimed at allowing the existence of separate regional identities but still being part of larger nation states. Finally, there are economic reasons which have been perceived as an important factor of regionalisation. This was especially during late eighties and nineties of the previous century and has been very much connected with evolution and strengthening of regional (cohesion) policy as a separate field of public policy.

These groups of reasons are in many cases intertwined and regions were firstly introduced as administrative regions that would be in latter stages gradually transformed into political regions. Such regions are today functioning in multi-level governance system of modern European society, which was – under significant influence of the process of Europeanization in late eighties and early nineties – labelled as the 'Europe of the regions'. That concept was intended to describe organisation of Europe relying heavily on regional level of government. However, it was not able to gain stronger roots and have huge unifying effect due to different constitutional position of regional tier in European countries and disharmonised position of regions in different countries.

Regionalisation in West-European countries happened in few waves. The first being in late 1960s and during 1970s, while the second was caught Europe in late 1980s and early 1990s. It was also to a large extent stimulated by the process of EU accession and by recognising the regional level of government as one of the important factors of EU regional policy legitimisation. This was summarised in the 'Europe of the regions' and establishment of the Committee of the Regions as an important element of the overall EUs institutional setting.

In contrast to this, regionalisation in Central and South East of Europe had slightly different development path. Political regionalisation didn't happen in the beginning of the early nineties as a general trend toward democratisation and revival of local government values. This was mostly because regional tier was in most of the ex communist societies associated with the 'obnoxious' previous communist regime. Regional issues in most of the countries (with Croatia being the example of different development path) came to the agenda in the end of the nineties as a part of the EU accession process and the need to adapt institutional structure of a county to effectively manage EU structural funds.

Simultaneously, regionalisation is a process evolved from the general trend of democratisation and decentralisation of administrative systems in the member states. Today, it is almost impossible to find a country without subnational level of government. Regionalisation of a country has considerable impact on its system of regional policy management. However, it is

also true that the requirements from regional policy management influence the processes of regionalisation.

European countries today could be grouped into several main categories regarding position and constitutional status of regional government units. There are federal states with the strongest role of region. In these countries regions have formal status of federal units which is at this time in history the strongest position that could be granted to subnational unit. Second group of countries are formally regionalised states with regional government having strong position but not as strong as federal units in federal countries. The following category consists of unitary decentralised states with regional units having position of self-governing units. Finally, there are unitary centralised states with quite weak position of regional tier, which have more administrative than political, self-governing position in the public governance system.

3. Electing regional parliaments and influence on subregional representation

Processes of democratization, integration, and Europeanization that engulfed European states in the last 60 years, had influence on the level of federalization, regionalization, and decentralization in almost all of them. Several reasons were necessary preconditions for such a transformation to occur. Democratization of European societies put pressure on political elites to allow ever greater opportunities to citizens to govern themselves. Hence, the idea of strengthening local and regional levels of government, as those closest to citizens, and therefore more capable of responding to their needs. Integration of the continent into a single, although rather loosely connected, political system, asked for transfer or 'pooling' (Dinan, 2010) of sovereignties to the supranational level. That political process gave birth to a counter process of asking for a similar transfer from national level to subnational representative bodies, especially in unitary states with complex national framework (i.e. United Kingdom, Belgium, Spain), but in regionalized states as well (i.e. Italy). European Union, besides the integrative element, also influenced stronger regionalization attempts, through the process of Europeanization. Institutional reforms, like the introduction of the Committee of the Regions, policy reforms, like the introduction of funds for inter-regional (cross-border) cooperation, and reforms of the political process, like the introduction of subsidiarity principle, strongly influenced regional political elites, to ask for more power from the national capitals.

Having that in mind, as well as the general move to form nation states, or to fight for autonomy in self-government in cases where independence isn't possible (Catalonia) or

wanted (Scotland), one needs to view the contemporary move to regionalization in European context. Cases of subregional representation in United Kingdom (Scotland, and Wales), and Poland (Polish *voivodstva*) will be briefly analyzed here.

Elections for the Scottish Parliament

After the introduction of the Scotland Act, the UK government in London accepted the right of the Scottish people to elect their own representatives. Therefore, a regional representative body, with legislative powers was established. The first elections for the Scottish Parliament happened in 1999 according to specially adopted electoral law. There were several specific elements attached to the law that represented peculiar Scottish position and which did not necessarily align with the position of the Westminster government. First among those was the type of the electoral system that is going to be used to elect the Scottish parliament. Most people wanted to avoid using the first past the post system (relative majority system) used in the UK general elections, and wanted, instead, to introduce a system which would closely reflect the views of the people of Scotland and produce a fairer match between the way people voted and the number of MSPs each party got elected.⁵

Therefore, additional member system was used, as a midway between plural voting and proportional voting. All voters have two votes. First vote is used to elect the representative of one's constituency through simple plurality (winner takes all), where entire Scotland was divided into 73 single-member constituencies. Second vote was cast for the party, and not for the individual candidate, along the premise of proportional voting. Entire Scotland was, this, time, subdivided into 8 regions with 7 candidates in each region.

In this way, representation of the voters was more proportional, but the effectiveness of the governing party or coalition was maintained. At the same time specific regional idiosyncrasies can be maintained and protected by boosting the representation of (sub)region-specific political parties. In that case, no part of regional society feels that they will be a permanent minority.

National Assembly of Wales Elections

⁵ http://www.scottish.parliament.uk/visitandlearn/Education/16285.aspx

Similarly to Scotland, citizens of Wales were given right to elect their own regional representation. It is, although to a lesser degree than in the case of the Scottish Parliament, autonomous from the government in London. That distinction stems partly from historical reasons, namely, the earlier submission of Wales under the crown, than it was the case with Scotland, as well as the difference in the ways cooptation occurred.

Members of Welsh National Assembly are elected according to the same rules operating in Scotland – additional member system. The first vote is for a local constituency Member. A Member is elected for each of the 40 constituencies in Wales by the 'first past the post' system, the system by which MPs are elected to the House of Commons - i.e. the candidate with the greatest number of votes wins the seat.

The second vote is to elect a regional member. Voters vote for a political party. Each party must supply a list of candidates for the Additional Member seats in rank order. Wales has five electoral regions, and four Members are elected to serve each region. The electoral regions are based on the European Parliamentary Constituencies created in 1994. Each electoral region covers between seven and nine constituencies.⁶ The electoral regions are, hence, constructed administratively, but they encompass specific, historically idiosyncratic, areas.

Elections for regional assemblies in Poland

Poland, as a unitary, newly democratic, or transitioning state, is in some aspects similar to Croatia. Historically its regions have suffered turbulent, peculiar histories, unlike one another, but have been incorporated into a single state after the Second World War. Hence, an analysis of its regional representation is in order, and can offer some guidance in constructing potential case for Croatian decentralization and regional (legislative) representation.

Poland is administratively divided into municipalities (*gmina*), counties (*powiatow*) and voivodships (*wojewodztwo*), all of which are directly elected. Several counties are amalgamated into one of 16 voivodships whose citizens are represented in *sejmik*, or a regional assembly. Members of *sejmik* are elected by proportional representation in multinominal electoral districts which are comprised by one county or a subsection of a larger county. Electoral districts are established according to "natural" boundaries of counties, if the

 $^{^{6}\,\}underline{\text{http://www.assembly.wales/en/gethome/elections-referenda/Pages/abt-nafw-how-assembly-elected.aspx}$

entire county is one electoral district, or by special decision of *sejmik* if the county is split due to large population. Then in each electoral district between five and 15 candidates are elected.

The most important article of the electoral law is article 164, which states that no county, if kept intact, can elect three fifths or more members of electoral parliament⁷. With this provision the legislator tried to stop any possibility that larger counties could overpower smaller counties in regional parliament, maintaining, hence, the powers of citizens of smaller counties to influence the legislation and other activities in *sejmiks*.

4. Territorial reorganisation of Croatia and subregional representation

In recent years there have been several attempts to depart from the existing county structure and to introduce different – at least administrative, if not political, regionalisation – but these attempts have faced rather severe opposition from several political actors and have not been implemented. Following several proposals from academic community (e.g. Koprić, Blažević, Đulabić, etc.) which advocated decreasing number of counties and their transformation into larger regions, media, general public and several smaller political parties accepted the idea that the reform of county structure is needed.

Although some administrative fields already departed from following the existing county structure as a basis for organisation of their particular fields (e.g. organisation of judiciary and court system in Croatia is not following county structure), several attempts to do the same thing in other administrative area, have not been implemented. Three recent examples support this statement. In 2014 Croatian Parliament (*Sabor*) adopted the new Regional Development Act (RDA). During the debate that preceded the formal adoption by the Parliament, the draft RDA introduced the concept of five 'planning areas' (*planska područja*). These areas were based on the existing counties and were mainly introduced for the purpose of more efficient regional policy management. Despite the fact that planning areas were envisaged as purely administrative entities and shouldn't have any impact on county structure, this part of the Draft RDA was strongly opposed. The end result of the debate is that the adopted version of the RDA does not contain provisions regarding the planning areas at all.

More or less parallel with the Draft RDA which had been proposed by the Ministry of Regional Development, Ministry of Public Administration proposed amendments to the State

 $^{^{7} \}underline{\text{http://pkw.gov.pl/ustawy-wyborcze/ustawa-z-dnia-}16-lipca-1998-r-ordynacja-wyborcza-do-rad-gmin-rad-powiatow-i-sejmikow-wojewodztw.html}$

Administration Act (SAA) with an idea to reduce the number of its deconcentrated offices from twenty – located in every county – to five in order to reduce operating costs and to increase efficiency of these offices. Similar to the situation with the Draft RDA, the Draft SAA was criticised on the basis of the same reasons as the Draft RDA. The final result was that the Ministry of Public Administration withdraw the Draft SAA from parliamentary procedure and didn't pursue the adoption of other amendments as well.

Main opposition of the previously mentioned drafts have come from the Croatian Association of Counties (*Hrvatska zajednica županija*), an interest organisation representing the counties and controlled by the county majors mainly from the largest opposition party (Croatian Democratic Community – HDZ). In addition, a severe criticism to these two draft laws came from the IDS, a regionalist political party that is in power in the Istrian county and also participates in power at national level as a part of the ruling coalition. Its main argument was that the introduction of planning areas and reduction of state offices in counties would gradually lead to abolishment of existing county structure and amalgamation of counties into bigger regions in which Istria would probably lose its status of a separate county. On the top of this, several counties adopted declarations of particular features of these counties. These declarations as political documents should serve as an additional political pressure tool on central government to withdraw the draft laws and abandon proposed changes. All this pressure was successful and resulted in abandoning of the proposed changes despite the support for the reforms that were coming from academic community, business community and popular media.

Finally, in the context of Presidential elections in Croatia that were held in December 2014, previous Croatian president Ivo Josipović advocated constitutional changes as one of the important elements of his political programme for another term in office. One of the changes he was proposing – among other changes in the Constitution – was political regionalisation of Croatia and introduction of several regions.

All these attempts have failed due mainly due to political pressures from actors who would like to preserve current county structure.

Having in mind current political situation as well as the state of academic and public debate regarding regionalisation of Croatia, the main question is what's to be done in order to move

⁸ As far as the authors are aware, five such declarations have been adopted by county assemblies and partnership councils. Declarations were adopted for counties of Istria, Lika-Senj, Virovitica-Podravina counties, and Partnership council of Dubrovnik-Neretva county. In addition to that, a small municipality of Saborsko adopted it own declaration.

the process forward? It seems that one of the solutions is to propose regionalisation of Croatia and introduction of five political regions⁹ and, at the same time, assure institutional guarantees according to which sub-regions (i.e. existing counties) should have adequate representation of their identity and political interests.

Taking into account previous examples, one can construct institutional framework in such a way as to preserve subregional identities of specific subregions (currently established as counties), helping to pave the way for their amalgamation in a larger region. Among the most important elements of that electoral framework are two votes, used in additional member system, splitting of the votes to be cast for an individual representative in a single-member electoral district, and for a party list in multi-member electoral districts, and establishing an upper threshold, according to which no single subregion could elect more than certain number (three fifths, two thirds or any other, previously agreed upon number) of members into regional assembly.

Future regional representative bodies in Croatia can be elected by an adapted addition member system of combined (plural and proportional) elections. As seen in the cases of Scotland and Wales, additional member system allows for all citizens to have two votes. With the first vote all of them have an equal say (equal weight of the vote) in the election of, e.g., two thirds of a regional parliament through single-member electoral districts. Having plural elections, and electing specific candidates would allow citizens to hold their representatives accountable for fulfilling (or failing to do so) promises they gave during elections. That right is especially important for local and regional level of government, because they deal with policy issues which affect citizens the most, and which are closest to an average member of public.

Further one third of parliamentary members are then elected with second votes citizens were given. They cast their second votes for party lists in multi-member electoral districts. These multi-member districts can be designed in such a way as to follow the "natural" boundaries of specific subregion, allowing for voters of each region to "pool" the votes, by voting with their second vote for subregion-specific policies. Number of representatives elected in the electoral district can either vary, due to difference in population size of each subregion that is represented by an electoral district, or it can be the same despite the difference in sizes.

⁹ Elaboration of introduction of five regions could be find elsewhere in the literature, so there's no need to elaborate it here thoroughly. See works of Koprić, Đulabić, Blažević, etc.

Each decision has its advantages and disadvantages. The major disadvantage of the former is the inequality between citizens it creates, because votes of the citizens from the smaller subregions would be worth more, than an equivalent vote from citizens from larger subregions. Advantage of such a proposal would be to stop citizens of larger subregions to outvote those from smaller subregions every single time. That is also disadvantage of later, because with variable number of representative elected in each electoral districts, smaller subregions (even if they are homogenous enough) wouldn't be able to have their idiosyncrasies represented in a regional parliament in a manner that would guard said idiosyncrasies. Advantage of that proposal is, of course, maintenance of equality among citizens (one citizen – one vote).

Even if we accept the necessity to maintain equality among citizens, by safeguarding the equal weight of each vote – which does not have to be given, as cases of election of second chambers in many countries give us an example of functional representative bodies even when the equality in voting is abandoned – it does not have to mean smaller subregions would be overpowered by larger ones. Example of elections for representative bodies of Polish regions, give us a clue how to avoid it. By stipulating an upper threshold of mandates certain subregion can claim in a regional parliament, one avoids the trap of larger subregions marginalizing smaller ones, while at the same time lowering to the lowest possible level inequality of votes among the citizens of a specific region. The upper threshold is arbitrary, and depends on a prior agreement between subregions, or on a decision of a national legislative body. It can, and in similar situation usually is, linked to specific majorities needed to enact special, important legislation. Therefore they can vary from less than 50 percent of all mandates taken by a single subregion in a regional parliament, to three fifths (as is the case in the Polish example), two thirds, or even three fourths, although that would probably be too high of a threshold that would allow for complete dominance of the largest subregion.

5. Conclusion

Transformation of existing counties in Croatia into stronger political regions should be placed in the wider context of regionalism and regionalisation of European countries in the last fifty years. Regions have become a legitimate tier of organisation of European countries with the tendency of strengthening and gaining additional powers in national political and administrative systems.

It seems that the debate regarding position of counties in Croatia and introduction of regions is entering the new phase. This paper offers proposal how to push the process of regionalisation of Croatia a step further and, at the same time, assure that existing county identities should be preserved and not absorbed by the wider regions that should replace existing counties.

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