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Capacity of municipal sub-government for decentralisation

1. Introduction

Municipal sub-government in Croatia is formal form of organization and functioning citizens in some local self-government unit for some parts of that unit in some city or local community. The main of that type of sub-municipal unit is creating and handling for society useful public tasks. For functioning of this type of organization special role has the principle of subsidiarity, which is incorporated in European charter of local self-government. According this Charter, in doubt which public authorities will manage some public tasks, answer is those who are closer to citizens and in the same time have adequate institutional and organizational capacity for managing those jobs. Local self-government is established as institutional answer to create balance to the central government. Another reason is for constitution of local self-government units is administrative need for creation of special organizations which can service regular public needs in local communities. This local public needs were created in a local community as a result of local living, and it is normal that those needs would be serviced by institutions and bodies on local level. The role of municipal sub-government in process of managing of local affairs can be dual: active participation, in sense of strong engagement of citizen in performance of local public tasks, which would straightening influence of local public community to creation of programs for development of local society and their implementation on local level. Second role of sub-municipal

government is effort in creation of efficiency control mechanism of local government units and central government bodies, where local units can be correction against deviant processes which are not public interest.

In practice, municipal sub-government on the firstible has advisory role, and volume of his powers depends on understanding how important can be engagement of the citizens in managing of local public tasks and activities. In that sense, role of municipal sub-government should be reflection of needs in local self-government system for better and efficiency public services. For quality balance between municipal sub-government and local self-government is important to define relations between central public authorities and their jurisdiction and local self-government authorities. To solve this dilemma it is necessary establish system which provides wide level of decentralization of local self-government, according the principle of subsidiarity. Only those type of local self-government can open wide space for quality construction of relationship between local self-government units and municipal sub-government units. In this work will be analyse examples of municipal sub-government in some states, present situation in Croatia and suggestions for improvement basic model of municipal sub-government in Croatia, according to the principle of subsidiarity.

2. Municipal sub-government – a comparative view

District is a type of municipal sub-government unit which is characteristic in many countries as a form of organisation, which is creating for including citizens in public activity of local community. In many states we have different meanings of this type of administrative unit, so in some countries its role can have less or more significant role in managing of public tasks.

In major U.S. cities, the neighbourhood self government is organized as the network of the city districts or neighbourhood. For example, Los Angeles is divided on 195 neighbourhood

or city districts, and New York has a five borough (Bronx, Brooklyn, Manhattan, Queens and Staten Island).¹ Those boroughs are divided on 59 community districts, established by local law in 1975. In those districts live populations from 35000 to more than 200.000 people. City of Chicago is divided on 77 community areas, which were drawn by researchers from University of Chicago in the late 1920s. Chicago's community areas are defined and certain. Originally, at first time it was created 75 community areas, and in the 1950s was made annexations of O'Hare airport, and last change was creation of 77th unit in 1980s. Today we have stable and constant number of community areas, and these community areas do not correspond with the neighbourhoods in the city, which areas are informal, so one community areas can have more few neighbourhoods.

In Washington D. C. neighbourhoods are also informal, and do not have borders of areas. Washington also has very diversity areas of neighbourhoods, from urban communities, family friendly suburban communities, to quiet urban areas with many of green space.²

On the world, district has many separate meanings, it can be part of some cities or towns, it can be special type of district³ or it can has different size and included more towns, municipalities or some bigger areas.

In Austria district is called *Bezirk*, and it is administrative division normally includes several municipalities, like Laundries in Germany. But in State Vienna, which is also municipality, it exist division with a 23 city districts, which have different function, than in other part of the country. Magistratisches Bezirksamt is local office with municipality administration. We have also representative body (Bezirksräte) on the district level,.

Those type of bodies are characteristic for Germany and Austria and called *bezirks*, as a one type of a district. Those *bezirks* are usual form of municipal sub-government, and have

¹ See <http://www.nyc.gov/html/dcp/html/lucds/cdstart.shtml>.

² See <http://dc.about.com/od/neighborhoodprofiles/u/Neighborhoods.htm#s1>. Today Washington D. C. Have more than 28 urban, suburban and rural neighbourhoods.

³ For example, it can be special distric, which is created as a elementary or high school dist, waste management district, etc.

significant role in including of citizens in managing of local public tasks. In Vienna citizens elect a head of city district, *Bezirksvorsteher*.⁴ Those representative bodies are established to create contacts for the locals on the political and administrative level. In practice, they have some power, for example, concerning matters of organization of traffic in city and regulatory framework of this matter.

In bigger German cities exists Stadtbezirk, as a form of city district. It is characteristic for bigger cities, which have more than 150.000 residents. This type of city districts exists in Berlin, Hamburg and Munich. In the other part of Germany, for example Hessen and Rhineland-Palatinate, they use the term Ortsbezirk. Political organs of Ortsbezirk are district council (Ortsbereitet) and mayor (Ortsvorsteher).⁵ In Berlin which is also established as a federal unit (Land Berlin), it exists 12 city districts (Stadtbezirke)⁶. These city districts has established by administrative reform in 2001. According to the Constitution of Federal Land of Berlin, city districts have their own tasks, which are leads by principle of self-government. These administrative tasks have a local character that is connected with a district and within local citizens. Each of the city districts in Berlin has a district mayor (Bezirksbürgermeister) as a main administrative officer.⁷ This officer is elected with council of city district, as a representative body on district level. District mayor and four district alderman create together executive body (Bezirksamt) on district level in every of 12 city districts of Berlin.⁸

⁴ See Diem, P.-Göbl, M.-Saibel, E.: *Die Wiener Bezirke. Ihre Geschichte, ihre Persönlichkeit, ihre Wappen*, Perlen Reihe Verlag, Wien, 2002.

See also <http://www.wien.gv.at/bezirke/>.

⁵ See Borchmann, M.-Breithapt, D.-Kaiser, G.: *Kommunalrecht in Hessen*, Deutscher Gemeindeverlag GmbH and Verlag V. Kohlhammer GmbH, Stuttgart, 2006., pp 157.-158.

⁶ Mitte, Friedrichshain-Kreuzberg, Pankow, Charlottenburg-Wilmersdorf, Spandau, Steiglitz-Zehlendorf, Tempelhof-Schöneberg, Neukölln, Treptow-Köpenick, Marzahn-Hellersdorf, Lichtenberg and Reinickendorf. See:

<http://gesetze.berlin.de/Default.aspx?vpath=bibdata/ges/blnbzvwg/cont/blnbzvwg.p1.htm&pos=0&hlwords=berlin%C3%90bezirke%C3%90+berlin%2cbezirke+%C3%90+berlin+%C3%90+bezirk+#xhlhit>.

⁷ See *Kommunalpolitik verstehen im Lande Berlin. Für eines junges pPolitikkverständnis*, Friedrich Ebert Stiftung, Berlin, 2010., pp. 12. – 18.

⁸ See

<http://gesetze.berlin.de/default.aspx?vpath=bibdata%2Fges%2FBlnBzVwG%2Fcont%2FBlnBzVwG.inh.htm>., downloaded at 05. 05. 2014.

In Russia and in some post soviet countries city districts are called raion. In Russia raion is type of administrative unit which is used for division on sub national entity and division of city. Many major cities in Russia (except federal cities Moscow and Sankt Petersburg) are divided into the city districts. This city districts are usually considered to be administrative divisions of the city, but cannot be a separate municipal formation with completely administrative autonomy. Russia is also divided into administrative districts on a federal level. Formerly, they were established in the 1920sto reduce the number of territorial divisions inherited from the Russian Empire. On the other side we have different divisions of Moscow, than in other parts of Russia. Moscow is divided of twelve administrative okrugs, which are subdivided into districts (raions). Administrative okrugs are subdivision of state administration districts have a status of local self-government units. The federal city of Saint Petersburg id divided to 18 city districts called raions, which are subdivided into municipal okrugs, municipal towns, and municipal settlements.⁹

In Czech Republic, capital city Prague is divided on 57self-governing sub-municipal districts (Czech *mestske časti*). Districts are responsible for the parks, volunteer firefighters, some cultural and sport activities, some social programs, some health activities and care for seniors. From 2001 for the government purposes are established 22 numbered administrative district (Czech *spravni obvody*), for national government purpose. One municipal district in each administrative district has responsibility for providing some public services for whole administrative district. For example, some of those services are issuing identity cards and passports. Municipal district which managing those tasks shares a name with the administrative district it serves. The entire city and municipal district have elected councils and mayors. The mayor of Capital City is a known as a primator.¹⁰

⁹ See <http://en.wikipedia.org/wiki/Raion>.

¹⁰ See <http://www.prague.fm/48162/administration-structure-city-prague/>.

In ex Yugoslav Republic Bosnia and Herzegovina local community is a form of municipal sub-government. Her role in the performance of local jobs is larger and more significant than the local committee has in Croatia. In Croatia local committee has usually an advisory role. Tasks of the local community are: construction and maintenance of local roads, sewers, water and other utility needs settlement planning, construction and maintenance of parks, resorts, children's playgrounds and sports facilities, construction and maintenance of cemeteries, cleaning of public spaces, protecting and enhancing the environment, carrying out other activities of interest to life and work of citizens in their place of residence in accordance with the rules of the local community. Local community is established representative body of local two-thirds majority. The bodies of the local community are citizen's assembly, which represent all the citizens in the area of the local community and the council of the local community. The head of citizen's assembly is president of assembly. The citizen's assembly is executive body, which is elected by the citizens who live in territory of the local community.¹¹

In Serbia, the local community is a form of local self-government, which was established in some areas, or for some neighborhood, street or part of street, which is the spatial and functional unit. They are established for the purpose of satisfying the needs and interests of directly importance to the citizens. The local communities have a legal personality and bank account. They are established and repealed by a decision of the municipal assembly. The tasks carried out by local communities are taking care of children, elderly and persons with special needs, protection and improvement of the environment, development and maintenance of green areas and resorts, consumer protection, concern about the state of municipal infrastructure, maintenance of cultural and sporting events, as well as activities related to recreation elderly, housing, concern about fire protection, etc. Local community is governed

¹¹ Klarić, M.: *Pojmovnik*, Hrvatska i komparativna javna uprava, god. 11., No 3, 2011, p. 879.

by council of the local community as the representative body of the people who lives in local community.

In the Netherlands was passed Act of the districts councils. According that Act, it is possible to established district councils, composed of citizens, who seek to maintain or improve the quality of housing and the attainment of life. Such groups must be a certain amount of time to act democratically and have a working area of a certain tasks. Fellow citizens must support the County Council, which is usually determined by the county council. Labor costs of district councils are funded by the municipality. The way of activity of district councils is determined by legal acts. Those acts regulate the rights and obligations of district councils to residents of the district and local government. In larger cities, such as Amsterdam, Rotterdam and The Hague can be found sub-municipal councils.¹²

In Turkey, mahalle represent a form of Neighbourhood self-government. They are established for certain parts of the local government, they have official status, without administrative powers. Mahalle have council as a representative organ. Council is consisted by mukhtar, as a head of the council, and four members of the council. They are elected from the citizens of the area which they represent. The Council acts as the administrator of the leaders of local governments, and solves problems and needs and related on the local community which they represent. Mukhtar has a position in the City Council and is roof organizer and coordinator of all activities and tasks of local government administration.¹³

3. Municipal sub-government in Croatia

3.1. Municipal sub-government in historic context

¹² Springveld, J.: *Kotarska vijeća u Haarlemu*, u Brunčić, D. (ed.): *Lokalna samouprava – hrvatska i nizozemska iskustva*, Hrvatski institut za lokalnu samoupravu i Interkerkelijk Vredesberaad, Osijek, 2001., p. 102.

¹³ See Klaric, M.: Klarić, M.: *Pojmovnik*, Hrvatska i komparativna javna uprava, god. 11., No 3, 2011, p. 878.

Today's Institute of local committee, in organization sense, preceded organizational model of local community. In legal sense, it cannot be put an equal sign between that two institutes, because local communities are differed from the of local committee in legal responsibilities and funding. It should be noted the important fact that the legal successor of local communities by their abolition weren't be local committee, but municipalities and cities. Local communities were established by Local Communities Act¹⁴. The Act had 81 articles, and was divided on 7 chapters: Basic regulations, Principles of procedure of establish a local community, Social and economic relations, The realization of common interests and meet the needs of working people and citizens in the local community, satisfying the needs of working people and citizens in the local community, Realization of self-managing of working people and citizens in the local community, Council of consumers and users of services in the local community, Transitional and final provisions. By this Act, the local community has been defined as a basic self-governing unit, which is organized itself by working people and citizens in the village, or in some part of the city, or in more parts of the city or in more villages, for realization their certain interests and needs, and to participate in the performance of social affairs and decision-making on issues of their interest in the municipality and wider socio - political community. In the local community of citizens has decided about realization of common interests and solidarity in satisfying the common needs of all matters of direct interest to the everyday life and work of people in community and their families. The basic criterion by which local communities are founded is the compactness of territory and community connections on that space. According to the Local Communities Act, local communities are formed for the area that represents a spatial entity where citizens are connected to everyday life and work, and can directly negotiate, communicate and make

¹⁴ Narodne novine No 19/1983.

decisions in realizing of their common interests and meeting their needs. Needs those citizens realize the local community was divided into two categories: common needs and whole society needs. The whole society needs, which are fulfilled in the local community, are shared on: work of local communities and their working bodies, Work delegation for meeting the socio-political and Communities of Interest, maintenance and construction of social facilities necessary for the operation of the local community, national defense and civil protection, work of Peace Council, work of consumer advice council, tasks performed by local communities on the basis of local laws and regulations, within its jurisdiction and competence of its authority transferred by the organs of the local community, and the last administrative, professional, and related ancillary jobs. Forms of citizen participation in the affairs of the local community were a referendum, citizen forums, and with regard to the crucial political bodies was adopted assembly system. Within referendum citizens decides by establishing and changes in the area and the statute of the local community and local voluntary questions. According to the delegate system the main body of the local community, was assembly of local community. The assembly had a president as a head of the elected collective executive body. The smaller sub-government units had participation of all citizens in the local community for performing tasks of assembly in local community. Law related on local communities is regulated also consumers and users council of services in the local community. Jurisdiction of the consumer council was included tasks such as giving opinions and suggestions on the conclusion of agreements and social arrangements relating to the protection of the interests of consumers and users of services at the community level or the consideration of the report of market inspections, other inspections which was carried out supervision over the operations of companies which production of goods and services was made for the direct consumption of citizens in the local community.

Local community as a municipal sub-government unit had wide autonomy in managing of local public tasks and affairs. They also had their own budget, which can be used for financing some local public needs and projects. Participation of citizens in public affairs was also significant, which showed empirical research conducted from Faculty of Law, University of Split in 1985 Year.

4. Empirical research on neighbourhood self government on territory of a Municipality of Split

Empirical research which was made in 1985 Year by research team from Faculty of Law, University of Split is analysed real situation of local community in that moment.¹⁵ The sample for research was created from local communities, which are divided on 21 city local communities, 3 island local communities and 29 villages' local communities. In first group of local community were researched new city local communities, which are established as a result of city development, for example Ravne njive and Brda. Second group was old city local communities like local community Varoš, and the third group were city local communities (part of city local community Varoš and city local community Lovret). Suburban city local communities were presented in city local communities Stobreč, Solin and Kaštel-Sućurac. Rural part of Split was presented in village local communities Muć Donji, Lećevice, Dugopolje, Brštanovo i Primorski Dolac. They are chosen because of its territorial diversity and geographical relations on the others local community. From islands city local communities it is chosen local community Grohote. Research has shown that men are generally activists in local communities, especially in suburban and rural areas.¹⁶ In urban

¹⁵ Cvitan, O. (ur.): Samoupravno – teritorijalna transformacija Općine Split, Sveučilište u Splitu, Pravni fakultet Split, Split, 1985.

¹⁶ In some rural local communities there were no women who participated in work of local community. For example, such is the situation in local communities Brštanovo, Primorski Dolac and Lećevice.

local communities, women were more present in their public activities.¹⁷ Persons who participated in the work of local communities had dominantly secondary school education and usually worked as a public or civil servants. There were also lots of those who had not completely finished even elementary school.¹⁸ In suburban local communities concentrated favorable structure of active participants of local communities, by educational attainment.¹⁹

The study further showed that the composition of local communities in the former municipality of Split very heterogeneous. On the one hand there are the local community with a very high degree of urbanization, while on the other hand, there are local communities dominated by rural way of life.²⁰

Research has shown that there is a low level of cooperation between urban and rural local communities. Regarding the cooperation between local communities and municipal authorities, generally view was that this cooperation was not good. The exceptions are the local rural communities where there was a perception that the relationship between their local communities and central administrative body in municipality was good.

There are three interesting questions that were analyzed: attitude towards voluntary tax, division of responsibilities between municipalities and local communities, and the question of mutual solidarity within local communities.

The largest number of persons who participated in the work of the local community felt that the voluntary tax is needed, as the way to solve problems encountered in the work of local

¹⁷ The analysis of collected data gets us a whole range of reasons for poor representation of women in local communities. Authors said that the position and role of women in rural areas are different from those in urban areas. They point to the fact that their little or no activity is strongly influenced by the level of education, general education skills and degrees and the fact there are a women does or does not worked in the social sector. In urban local communities, was active group of a women younger age, and this activity decreases within age increase. Men were more active in middle age.

¹⁸ At the level of the whole municipality 9% of activists in local communities had not finished school, in rural local communities this number was around 17%, and nearly 50% of them had not finished high school.

¹⁹ It can see that two-thirds of persons who participated in the local community of have finished high school, college or university.

²⁰ Interestingly, the results of the study showed that population in rural local communities was partly oriented to agricultural activity and it was vitally connected with urban and suburban local communities in which it worked in companies and factories.

communities. The need to introduce voluntary tax supports more people in suburban and rural local communities, while the city's support to local communities less.²¹

As regards the division of authorities Local Communities Act foresaw the possibility that municipal assemblies may transfer part of its tasks on the bodies of the local community.

Respondents in urban and suburban local communities were considered to municipal assemblies could convey far more jobs in the local community, while those in rural communities, while residents in rural communities were not tended it.²²

As for solidarity, as well as integrative and cohesive factor in the community, in local communities was prevalent view that there was medium length solidarity.²³

5. Current municipal sub-government in Republic of Croatia and question of administration

In Croatia form of municipal sub-government is determinate by Local and Regional Self-government Act²⁴. It exist two types of sub-municipal units: sub-municipal unit in municipal local units and city district unit. It is also possible to establish sub-municipal units on territory of cities, but it is characteristic for suburban areas. Sub-municipal unit can be established for one place, more places, or part of some place. Initiative for establish of sub-municipal unit come from citizens and their organizations and associations, or other bodies defined in statute of local self-government unit. Statute of local municipal or city unit will be describe

²¹ In the city local communities 48, 62 believed that voluntary tax was necessary, 43.65% percent of activists believed that voluntary tax was sometimes necessary, while only 4.42% of respondents was against voluntary tax, in suburban local communities for voluntary tax was 64%, partially to 26.67%, and 8% of respondents considered it unnecessary, in rural local communities for voluntary tax has been 61.11% of votes, 34.44% was partially for this, while 2.22% was against.

²² In urban local communities 50% was for the transfer of local tasks on a local community and 69% in suburban local communities. In rural local communities, only 38.89% was in favor of this idea.

²³ In urban local communities 62.98% of the respondents represented this view, in suburban local communities 58.76% and 52.22% in rural local community, while the total average at 59.25% for the whole area of the city.

²⁴ See Narodne novine nr. 33/2001, 60/2001, 129/2005, 109/2007, 125/2008, 36/2009, 150/2011, 144/2012, 19/2013.

procedure of giving a initiative and applying of proposal for establishing sub-municipal units, working bodies in sub-municipal units, determine program of work, ways of finance of activities of sub-municipal units, perform administrative and other jobs related to their needs and other issues important for their activity. Statute or other act of local self-government unit regulates issues related to election and determine other obligations and activities of sub-municipal units. Local sub-municipal units may take responsibility for managing of some local tasks, if that decide local-self government unit. The executive bodies of sub-municipal units are president and sub-municipal council. Sub-municipal council has elected by the citizens within territory of sub-municipal unit. Sub-municipal units have legal personality, which means that they can have legal rights and obligations.

Public authorities of the sub-municipal district are very limited, and they depend on will of local self-government community, on which territory acted. That is main problem, because in practice they have very limited role in managing of local public tasks. Crucial question is how improve position of sub-municipal government in local community, especially when we have situation that local self-government units has a very limited authorities, which are mostly related on managing of local communal services and urban planning. For some of those activities would be normal that sub-municipal authorities take responsibility for their managing. If we want strongly engagement of sub-municipal units, it is necessary to create plan for reform of system of local self-government in Croatia. Some proposals for this reform include also strengthening of institutional capacity of sub-municipal government. For example, sub-municipal government can take role which today have small towns and municipalities. In that sense, is necessary to improve sub-municipal government in some elements. It is necessary to preserve legal personality of sub-municipal units, which is found for its responsibility. Main purpose of sub-municipal units in renewed local self-government

units must be balanced development of all part of local community.²⁵ In existing self-government units it is obviously that sub-urban and rural areas had not same tempo of development as urban centers of those units. Better sub-municipal government can help balanced development of all parts of self-government units, not only center of self-government unit.²⁶ Sub-municipal government is one of the possibilities for strengthening of participatory democracy. In that sense, direct citizen's participation has a lot of advantages, and one of them is control of political institution and decision making process by citizens²⁷. As a traditional form of citizen participation, sub-municipal government has significant role in local political processes.²⁸ In Croatian Context, it is necessary to change regulatory framework of local self-government, and according to the principle of subsidiarity²⁹, strengthen local public affairs and institutions. Without reform all system of local self-government which follow process of decentralization and strengthening of local political institutions, it is impossible to renew the role of sub-municipal government in Croatian political and administrative system. After reform of local self-government, it is possible to expand jurisdiction of municipal sub-government which lead to decentralization of local public tasks and activities and provide better communal services.

²⁵ See Koprić, I.: Prijedlozi za reformu lokalne i regionalne samouprave u Hrvatskoj, Znanstveno-stručni skup „Teritorijalni ustroj i regionalizacija Republike Hrvatske u kontekstu europskih integracija, Split, 2010., p. 45.

²⁶ See, Koprić, I., 2010., p. 46.

²⁷ See Roberts, N.: Public deliberation in an age of direct citizen participation, *American Review of Public Administration*, Vol. 34, No 4, pp. 315- 353.

²⁸ There are several traditional and modern forms of citizens participation in decision making at local level. For example traditopnal forms are referendum, citizens initiative, deliberative assemblies and wider types of sub-municipal governments, such are districts, neighborhoods, parishes. As a new forms of tradicional participations can be recognized direct elections of mayors, strengthening the leadership role of mayors and other local executives, introduction of recall referendum, mushrooming of independent local political actors. See more in Koprić, I.-Klarić, M.: *New Developments in Local Democracy in Croatia and Its Neighbouring Countries*, Paper for the IPSA/AISP XXIII World Congress of Political Science Challenges of Contemporary Democracy, Montreal, 19-24 July 2014. Research Committee RC 05 Comparative Studies on Local Government and Politics, Panel Contemporary tools for Healing Local Democracy.

²⁹ For more about the principle of subsidiarty in Bakota, B.: *Problemi primjene načela supsidijarnosti*, Pravni fakultet u Osijeku, Osijek, 2007. See also Wollman, H.: *Local Government Modernization in Germany: Between Incrementalism and Reform Waves*, Vol. 78, No 4, 2000, pp. 915 936.

6. Conclusion

Municipal sub-government in Croatia has a significant history from ex Yugoslavia. In socialistic political system had a certain political and financial autonomy, and managed local public tasks and activities which were important for local community and daily living. That type of units has been created to ensure balanced development of all parts of local communities, and they had some tolls like personal contributions for financing some local projects and local public needs. In Croatia was implemented new system of local self-government. According that system, municipal sub-governments was conceived as supporting body without legal personality for managing some of public tasks in some part of local self-government units. They did not have any of instruments for independent activity in local community. After 2001 position of sub-municipal government was changed, and sub-municipal units can had more autonomy in their activity, according to the local statute. But the main role of the sub-municipal government did not renewed, because the model of self-government organization was not changed in its essence. In Croatia still existing 20 county plus capital city Zagreb, and 428 municipalities and 127 cities, which is enormous for a such a small country like Croatia. In that situation, it is not possible to renew formerly status of sub-municipal government. Only when and if will be implemented political, administrative and fiscal decentralization, which would be lead territorial reorganization of local self-government, we can count on different role of municipal sub-government. In that case, municipal sub-government could have significant role in managing of public tasks and activities in local community.