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# DEVELOPMENT OF SUB-MUNICIPAL GOVERNMENT IN SOUTH-EASTERN EUROPEAN COUNTRIES\*\*

*Summary:* Local self-government is established as an institutional answer to create balance to the central government and improve democratic and development processes in the local community and the entire national society. On the other hand, sub-municipal government is established as a part of local political decentralization, with the aim of strengthening local political and administrative institutions of local government units. Both can be institutional solutions and an answer for initializing and supporting democratic processes in contemporary society. This article provides analysis of relations between political decentralization in local community and sub-municipal government as a tool for strengthening local political institutions in South-Eastern European countries. This analysis aims to show that sub-municipal government can be also a significant institutional instrument for changes in the local community.

*Keywords:* Sub-municipal government, decentralization, development

## 1. INTRODUCTION

Sub-municipal government represents one of the various forms of democratic political institutions which support the development of political processes in the local community. In that sense, sub-municipal government represents the balance between local political institutions and administrative bodies in local government units and local community politics. That can induce various social, political and economic influences on daily life in the community. It has less or more significant status on the organization of the local self-government system and its position in political and administrative systems of different countries. Those positions depend on decentralization and the institutional capacity of the local government system, local public authorities which manage local public tasks in local government units and

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the decentralization process which include a political and administrative dimension. Political includes establishing democratic institutions and participation of citizens in their working activities. The administrative dimension includes responsibility for managing local public tasks and building of capacity for their provision. Sub-municipal government has a different role in different countries in providing and improving local public activities connection with daily life in local communities. Those include obligations and duties important for daily interactions in the community. Managing useful public activities of sub-municipal institutions is significant for the functioning of local public communities in the local government system where the implementation of decentralisation on sub-municipal units exists.

Local self-government can be determined and seen as an institutional answer to create balance between central government and local government institutions, with local specifics developed to improve democratic processes and autonomy of the local community.<sup>1</sup> Sub-municipal government is established as a part of the decentralization process in the local micro-community, which can provide some local tasks important for the daily functioning of such small public communities based on direct interaction between members of the community.<sup>2</sup> The role of sub-municipal government in local public activities is direct and stimulates interaction between citizens in the community. It is dual in the sense of active participation and strong engagement of citizen in the performance of local public tasks and activities. This type of self-government stimulates local communities to create programs for developing local society. The next role of sub-municipal government is in efforts to create efficient control of local government mechanisms and institutions, but also of central government bodies, where local units can correct deviant processes which are opposite to the public interest.<sup>3</sup> In Croatia, municipal sub-government has an advisory role, and the number of obligations and tasks depends on understanding how important the engagement of the citizens in managing local public tasks and activities can be. In some self-government units, sub-municipal institutions may have a significant role. In some other local units, where the focus of interest is in the organizational structure of autonomic local institutions of local self-government units, this role is not so significant. This work represents the organization of sub-municipal government and perspective of the possible future development of sub-municipal government in some European countries, with special objections of central and eastern European states.

## 2. METHODS

This research explores Central and Eastern European countries, with the status, position and importance of sub-municipal government and development of that type of self-govern-

- 1 Vedran Đulabić, 'Regionalni razvoj i županije u Hrvatskoj' in Jakša Barbić (ed), *Nova upravno-teritorijalna organizacija Hrvatske* (HAZU 2015) 139–40.
- 2 Ivan Koprić and Mirko Klarić, 'New Developments in Local Democracy' (2015) 15(2) *Hrvatska i komparativna javna uprava* 391–94; Ivan Koprić and Mirko Klarić, 'Research of perception of municipal sub-government in 4 Dalmatian counties' (research conducted within Institute for Public Administration for IPSA conference purposes, Montreal 2014).
- 3 Paweł Swianiewicz, 'New Experiments of Maintenance of Old Traditions? Dual system of Sub-Municipal Units in Poland' in Nikolaos-Komninos Hlepas and others (eds), *Sub-municipal Governance in Europe: Decentralization Beyond the Municipal Tier* (Palgrave Macmillan 2018) 168.

ment organization in the last 20 years. It uses various methods of researching and exploring, such as analysis of basic available materials, classification, comparison, and clarification of causal relationship. Third, it presents the position of sub-municipal government in the context of possible decentralization of local self-government system by methods of systematization, abstraction, and concretization. Those various methodological approaches can show how sub-municipal government can influence the process of democratic transition in the states of Central and Eastern Europe with democratic decentralization and improving the capacity of local institutions which create the regulatory framework of sub-municipal government.

### 3. RESULTS

#### 3.1. COMPARATIVE ANALYSIS OF SUB-MUNICIPAL UNITS IN SOME WESTERN STATES

Every country has a specific approach to the question of political decentralization. In some states, many political practitioners and scientists see political decentralization as territorial decentralization, where establishing or strengthening local government units can improve democratic process in the political community.<sup>4</sup> They think that decentralizing the local government system can provide efficient local public services with organized local government administration<sup>5</sup>. Those objections include strengthening of sub-municipal government, which can directly influence the citizen's life in some local community.<sup>6</sup> In other states many scientists and practitioners think that decentralization isn't the solution for strengthening and consolidating public administration<sup>7</sup>. They insist on traditional characteristics for their states, with a centralized political and administrative system. They think that only strong central government with administrative devolution can provide quality public services, including local government services.<sup>8</sup>

In those countries, the opinion prevails that is important to ensure strong central government, which can provide efficient public services in fulfilling of public needs in society.

4 Jeroen Springveld, 'Kotarska vijeća u Haarlemu' in Davor Brunčić (ed), *Lokalna samouprava: hrvatska i nizozemska iskustva* (Hrvatski institut za lokalnu samoupravu and Interkerkelijk Vredesberaad 2006) 102.

5 Nikos Hlepas, 'Between Identity Politics and the Politics of the Scale: Sub-municipal Governance in Greece' in Nikolaos-Komninos Hlepas and others (eds), *Sub-municipal Governance in Europe: Decentralization Beyond the Municipal Tier* (Palgrave Macmillan 2018) 120–21.

6 Irena Bačlija Brajnik and Roman Lavtar, 'Sub-municipal Units in Slovenia: Experiences from the Past and Policy Advice for the Future' in Nikolaos-Komninos Hlepas and others (eds), *Sub-municipal Governance in Europe: Decentralization Beyond the Municipal Tier* (Palgrave Macmillan 2018) 211–26.

7 Colin Copus, 'Decentralisation, Democratisation and Delivery: English Sub-municipal Devolution' in Nikolaos-Komninos Hlepas and others (eds), *Sub-municipal Governance in Europe: Decentralization Beyond the Municipal Tier* (Palgrave Macmillan 2018) 69–91.

8 There are many different stands about political decentralization, including completely different approaches to the question of regionalization, with avoiding organizational models which includes regions and regionalism as a main organizational and institutional phenomenon. See Duško Lozina, *Lokalna samouprava* (Pravni fakultet u Splitu 2004) 141–55. See also Vedran Dulabić, *Regionalizam i regionalna politika* (Društveno veleučilište u Zagrebu 2007) 99–121.

The third approach includes a combination of elements of those two approaches. This approach is characteristic for small countries, which want political decentralization, but because of the size of territory and population cannot have large local territorial units.<sup>9</sup> In Croatia, the present system of local self government includes two tier systems with municipalities and cities at the first level, and counties at the second level. Municipalities and cities in Croatia include sub-municipal government, as a type of organization within local government units. Some of the small municipalities do not have organized sub-municipal government, while their size and number of residents are too small for the organization of this type of self-government organization. In large local government units, especially in the cities, those type of units exist as a direct form of local democracy with the influence on the local community in parts of the cities such as city districts. In Croatia, 20 counties and capital city Zagreb were established, which have the status of county and city. Also established were 555 local government units, 428 municipalities and 127 cities. Croatia is a small country, with population of only 3.88 million people and a territory of 56.542 km<sup>2</sup>, but it has large territorial fragmentation and division into municipalities, cities and counties. The main tasks and duties, which are in the jurisdiction of local self-government units, are local communal services and urban planning. Other tasks, such public education in elementary and secondary schools, public health services, social services and other public services strongly depend on central government administration. They are still managed, led and financed by central government. The main paradox lies in the fact that some local public institutions have been established by local government units, like local schools, hospitals, and medical clinics. Those institutions materially strongly depend on central government because they are financed by the central government budget. The other reason for the present dependency of local government units on central government resources in Croatia is limited fiscal and financial autonomy, with insufficient original incomes from taxes and other public services. The tax framework for the financing of local self-government is established according to the principles which are implemented for the financing of local self-government in Germany. However, Croatian citizens do not have high incomes, and their tax capacities are limited. As a consequence, many Croatian local self-government units are highly dependent on central government, while they count on financial transfers from the central budget. Those occasions are limited for managing local public tasks in local government units. Sub-municipal government is important for daily interaction of the citizens in the local community, but its public jurisdiction is irrelevant as is the role in managing local public tasks.<sup>10</sup> In that sense, local self-government units might have an increasing role, and the position of municipal sub-government can be more important in local decentralization processes.<sup>11</sup>

One of the specific forms of sub-municipal government can be found in England. Sub-municipal government in England is organized through the local councils. Copus indicate several factors which determine the organization of sub-municipal government: political beliefs and value systems, enhancing the effectiveness of public services, improving policy, capturing the expertise of the citizens, building community capacity and trust, empowering citizens and

9 Mirko Klarić, 'New Perspectives in Development of Sub-Municipal Government' (International Conference „Public Administration in a Democratic Society: Thirty Years of Democratic Transition in Europe“, Dubrovnik, October 2019) 1–18.

10 Mirko Klarić, 'Capacity of Sub-municipal Government for Decentralization (IPSA Conference „Decentralization Policies: Reshuffling the Scene“, Dubrovnik, May 2015) 1–5.

11 Željko Pavić, *Od antičkog do globalnog grada* (Pravni fakultet u Zagrebu i Društveno veleučilište u Zagrebu 2001) 239–40.

communities, enhancing local representative democracy and ameliorating the ill effects of the large size of English units of local government.<sup>12</sup>

In England, organizational forms of sub-municipal government are civil parishes, which represent territorially the lowest tier of local self-government. Civil parishes can range in size from small villages with only a few hundred inhabitants, through to the large towns with a population of 60.000 or 70.000 people.<sup>13</sup> Civil parishes are known as town, village, neighbourhood, parish, and community. They are usually organized for managing some local public services.<sup>14</sup> They are held by the council (parish council, town council). Parish and town councils vary heavily in size, activities and representing population.<sup>15</sup>

District is a type of administrative unit which is in many countries one type of local self government. In many states we have different meanings of this type of administrative unit, so it can include small self-government units in cities, or they can be large administrative or self-government units at regional level. Neighbourhood is type of parish which is localised within larger city, town, or suburb areas. It is characteristic for face-to-face social communications and proper for smaller communities. Neighbourhood usually functions as a set of social networks in the local community. The third type of civil parish is a community (or local community), which is an informal type of civil parish and can be with different sizes of population, but it is usual for small communities. Village is a small community larger than a place or hamlet, but smaller than a town. In the past, villages were usual and dominant forms of community. Towns are a type of settlement which is bigger than villages and smaller than cities. Parish as a form of sub-municipal government was for a long-time part of the English local government system. Probably they developed as organizational units from previously ecclesiastical units.<sup>16</sup>

In major U.S. cities, the municipal sub-government is organized as a network of the city districts or neighbourhood.<sup>17</sup> For example, Los Angeles is divided into 195 neighbourhoods or city districts, and New York has five boroughs (Bronx, Brooklyn, Manhattan, Queens, and Staten Island).<sup>18</sup> Those boroughs are divided into 59 community districts, established by local law in 1975. Those districts have populations from 35,000 to more than 200,000 people. The city of Chicago is divided into 77 community areas, which were drawn by researchers from the University of Chicago in the late 1920s. Chicago's community areas are defined and certain. Originally, the first time 75 community areas were created, and in the 1950s annexations of O'Hare airport were made, and the last change was the creation of the 77th unit in 1980s.

12 Copus also mentioned that sub-municipal units are usually created and used for delivery of local public services, Copus (n 4) 87–88.

13 Humphrey Southall, 'Rebuilding the Great Britain Historical GIS, Part 2: A Geo-Spatial Ontology of Administrative Units' (2012) 45(3) *Historical Methods: A Journal of Quantitative and Interdisciplinary History* 119–34.

14 Peter Somerville, 'Multiscalarity and Neighbourhood Governance' (2011) 6(1) *Public Policy and Administration* 81–105.

15 Chris Skelcher, 'Governing Communities: Parish Pump Politics or Strategic Partnership' (2003) 29(4) *Local Government Studies* 1–16.

16 Norman John Greville Pounds, *A History of the English Parish: The Culture of Religion from Augustine to Victoria* (Cambridge University Press 2000) 15–16.

17 Committee on Housing and Executive Administration (*Council of the District of Columbia*) <<https://dccouncil.us/committees/housing-neighborhood-revitalization/>> accessed 14 November 2021.

18 The New York City Charter, Chapter 4: Borough Presidents (Local Law 2021/140, enacted 21 November 2021) (US) <<https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCcharter/0-0-0-472/>> accessed 21 November 2021.

Today, we have a stable and constant number of community areas, and these community areas do not correspond with the neighbourhoods in the city, areas of which are informal, so no community areas can have several neighbourhoods.<sup>19</sup> Parishes represent statutory elected and representative governed bodies. In 2015, the government facilitated the regulations for citizens, so they can easily participate in local community governance.<sup>20</sup>

In the world, district has many separate meanings, it can be part of some cities or towns<sup>21</sup>, it can be a special type of district<sup>22</sup> or it can have different sizes and include more towns, municipalities, or some bigger areas.<sup>23</sup>

In bigger German cities exists *Stadtbezirk*, as a form of city district.<sup>24</sup> It is characteristic for bigger cities, which have more than 150,000 residents. This type of city district exists in Berlin, Hamburg, and Munich. In the other part of Germany, for example Hessen and Rhineland-Palatinate, they use the term *Ortsbezirk*.<sup>25</sup> In Berlin they also use the term *Kiez*, which is local Berlin's worth for a part of the city, usually *Bezirk*.<sup>26</sup> These city districts were established by administrative reform in 2001. According to the Constitution of Federal Land of Berlin, city districts have their own tasks, which are led by the principle of self-government. These administrative tasks have a local character connected with a district and among local citizens. Each of the city districts in Berlin has a district mayor (*Bezirksbürgermeister*) as a main administrative officer.<sup>27</sup> This of-

19 Matthew A Shapiro and Daniel Bliss, 'Rewards and Consequences: Redistricting on the Chicago City Council' (2016) 42(1) *Local Government Studies* 139–63.

20 Copus (n 4) 69–91.

21 Raion is paradigm to this type of unit in Russia. (*Wikipedia*, last edited on 3 November 2021) <<http://en.wikipedia.org/wiki/Raion>> accessed 5 November 2021; In Czechia and Slovakia existing „mestske časti“ as a form of sub-municipal government. See Administration and Structure of the City of Prague (*Prague Guide*, 15 May 2021) <<http://www.prague.fm/48162/administration-structure-city-prague>> accessed 5 November 2021.

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

23 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 a municipality, there exists division with 23 city districts, which have a different function than in another part of the country. Magistratisches Bezirksamt is city office is local office with municipality administration. But we have also a representative body (*Bezirksräte*) at district level, which represent citizens on district level. They elect a head of city district, *Bezirksvorsteher*. 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 traffic. Peter Diem, Michael Göbl and Eva Saibel, *Die Wiener Bezirke: Ihre Geschichte, ihre Persönlichkeit, ihre Wappen* (Perlen Reihe Verlag 2002) 6–28; *Wiener Bezirke (Stadt Wien)* <<http://www.wien.gv.at/bezirke>> accessed 5 November 2021.

24 Norbert Kersting and Sabine Kuhlmann, 'Sub-municipal Units in Germany: Municipal and Metropolitan Districts' in Nikolaos-Komninos Hlepas and others (eds), *Sub-municipal Governance in Europe: Decentralization Beyond the Municipal Tier* (Palgrave Macmillan 2018) 93–118.

25 Political organs of *Ortbezirk* are district council (*Ortsbereit*) and mayor (*Ortsvorsteher*). Michael Borchmann, Dankwart Breithaupt and Gerrit Kaiser, *Kommunalrecht in Hessen* (3rd edn, Kohlhammer and Deutscher Gemeindeverlagand 2006) 157–58. In Berlin which is also established as a federal unit (Land Berlin), it exists 12 city districts (*Stadtbezirke*) Mitte, Friedrichshain-Kreuzberg, Pankow, Charlottenburg-Wilmersdorf, Spandau, Steiglitz-Zehlendorf, Tempelhof-Schöneberg, Neukölln, Treptow-Köpenick, Marzahn-Hellersdorf, Lichtenberg and Reinickendorf. See *Bezirksverwaltungsgesetz – Landesrecht Berlin*, In der Fassung vom 10. November 2011 (GVBl. S. 692) Zuletzt geändert durch Gesetz vom 22. Januar 2021 (GVBl. S. 74) (DE) <[http://www.lexsoft.de/cgi-bin/lexsoft/justizportal\\_nrw.cgi?xid=145262,1](http://www.lexsoft.de/cgi-bin/lexsoft/justizportal_nrw.cgi?xid=145262,1)> accessed 14 November 2021.

26 *Kiez* is an old worth, which is used also in Hamburg and Hannover. In Hamburg it is used for two parts of Hamburg: St Pauli and Reeperbahn. In Hannover only part of city which is called *Kiez* is Stantor. This is interesting, many of the city districts from the beginning of 1990s have an informal name as a *Kiez*. The word *Kiez* was originally Slavic word (*Kietz*) but its meaning is not clear. Gerhard Schlimpert, 'Slawische Namen in Brandenburg und seiner Umgebung' in Winfried Schich (ed), *Beiträge zur Entstehung und Entwicklung der Stadt Brandenburg im Mittelalter* (De Guyter 1993), 29–35.

27 Sarah Ninette Kaliga, Yvonne Lehmann and Peter Ottenberg, *Kommunalpolitik verstehen im Land Berlin: Für ein junges Politikverständnis* (2nd end, Friedrich Ebert Stiftung 2010) 12–18.

ficer is elected with the council of city district, as a representative body at district level. District mayor and four district *alderman* together create the executive body (Bezirksamt) at district level in each of the 12 city districts of Berlin.<sup>28</sup> City districts as a form of sub-municipal government are also present in other Central European countries such as Austria or Czech Republic.<sup>29</sup>

### 3.2. DESCRIPTIVE ANALYSIS OF SUB-MUNICIPAL GOVERNMENT IN SOUTH-EASTERN EUROPEAN COUNTRIES

Sub-municipal government in South-Eastern European countries have a long tradition from the times when those countries were part of ex Yugoslavia. In Yugoslavia, that type of sub-municipal units was called „local community“.<sup>30</sup> Those units had jurisdiction over some local public services related to the local public needs of the people who lived in some place or village. In that political and administrative system, sub-municipal government had a significant role.<sup>31</sup> Sub-municipal units had legal personality, independent budget and some public authorities even extended for that type of local unit elements such as consumer protection. Sub-municipal government played a crucial role in the organization and development of communal infrastructure such as water supply network, sewerage system, local public roads, electrification, development of telecommunication network, initiative for establishing kindergartens and elementary schools, managing local political, cultural and other manifestations and activities.<sup>32</sup>

In ex-Yugoslavia, local communities were descendants of national liberation committees, which were reorganized in local committees, and then, according to the Constitution of Yugoslavia from 1963, were recognized as a local community. The new Constitution of Yugoslavia from 1974, recognized local communities as a required form of sub-municipal government.<sup>33</sup> According to Pusić, at first the sub-municipal government in ex Yugoslavia was established as a tool for building stronger integration of local communities, without their own budget and public administration. In further development, it was necessary to rebuild and extend their public authorities, including their own budget.<sup>34</sup>

Sub-municipal government in ex Yugoslavia had legal personality, financial independence, financial transfers from central or local government or from additional local taxes, their own employees, offices and property. Organizational structure was organized as an assembly of

28 See Bezirksverwaltungsgesetz (n 19)

29 Jakub Lysek, 'The „Little Town-Halls“ in the Czech Republic: An Unexploited Potential of Functional Decentralization' in Nikolaos-Komninos Hlepas and others (eds), *Sub-municipal Governance in Europe: Decentralization Beyond the Municipal Tier* (Palgrave Macmillan 2018) 41–69.

30 Mirko Klarić, *Decentralization and Sub-municipal Government in South-Eastern European Countries* (2021) 58(4) *Zbornik radova Pravnog fakulteta u Splitu* 1039.

31 Mark Baskin, 'Local Governance in Kosovo: A Link to Democratic Development?' in Tonny Brems Knudsen and Carsten Bagge Laustsen (eds), *Kosovo Between War and Peace* (Routledge 2006) 78–80; Gyorgy Hajnal and Gábor Péteri, *Local Reform in Kosovo: Final report: Forum 2015* (Kosovo Foundation for Open Society 2010).

32 Klarić (n 30) 40–41.

33 Mirna Jusić, *Mjesne zajednice u Bosni i Hercegovini: Izazovi i perspektive institucionalnog razvoja* (Analitika 2015) 19.

34 Eugen Pusić, 'Intentions and Realities: Local Government in Yugoslavia' (1975) 53(2) *Public Administration* 133–52.

local community as a representative body and advisory council as an executive body. Half of representatives in the assembly were directly elected from the citizens, the other half were nominated from the workers in public utilities or the representatives of different non-government associations. Forms of participation in sub-municipal government were referendums and public meetings. Sub-municipal government participated in the working of the council of sub-government units, which was established for every municipality, as a part of the municipal assembly.<sup>35</sup> In Serbia, sub-municipal government, as a type of local government system, still exists. They have a few types of sub-municipal government: quarters, rejoins and neighbourhoods. Sub-municipal government units in Serbia have legal personality. The law provides that some local public tasks can be also entrusted to sub-municipal government units.<sup>36</sup> The forms of direct participation of citizens in sub-municipal units are referendums, public meetings and initiatives of citizens.<sup>37</sup> Sub-municipal government depends on the will of the citizens who live in the local community and want to establish and organize this type of local units.<sup>38</sup> It also depends on local politicians, who are prepared to promote this type of citizen inclusion in local public affairs and activities. The financing of sub-municipal government is regulated by local government units with their acts, and the means of amounts are different. Some amounts come from the local budget, others include voluntary taxes, donations, and other forms of incomes. They can have property. In Serbia, sub-municipal government can be a useful instrument for managing local public tasks and coordination between local community and political institutions of local government units.<sup>39</sup>

In Macedonia, sub-municipal government units are urban communities in the cities or local communities in rural areas. There are provided by the law, but they are not the mandatory type of local government organization. They represent interests of the citizens in the local community. Their establishment and election are regulated by the rules of local government units. Their role is in improving communication between the citizens in local community and local and central government institutions. Usually, sub-municipal government units submit proposals and start initiatives about local public needs and activities. This type of unit can also be delegated from local government units to manage some local public tasks. The sub-municipal government unit has an advisory council and advisory council president. Financing this type of unit is regulated by different state laws. The ways

35 Sub-municipal government in ex-Yugoslavia had significant role, which was based on occasion that those types of units managed many of infrastructure projects in local community. At first, interest for engagement in sub-municipal government units was pertinent. But later interest for this type of participation in life of local community decreases. One of the reasons was inability of that type of participation to affect on development of wider local communities. With dissolution of Yugoslavia sub-municipal government still exists in new Southeastern countries, but with different role and organization, which depends from state. In some states their property is transferred on local municipalities, they haven't legal personality and many of their public authorities are reduced. See Jusić (n 24) 21–26.

36 Bogoljub Milosavljević and Jelena Jerinić, 'Status of Serbian Towns in the Light of recent Efforts Towards a National Decentralization Strategy' (2016) 16(1) *Hrvatska i komparativna javna uprava* 107–36.

37 Suad Bećirović, Šemsudin Plojović and Enis Ujkanović, 'Finansiranje mjesnih zajednica u Srbiji' (2012) 1(2) *Ekonomski izazovi* 35–48.

38 Similar situation is in Montenegro. Ana Novaković and others, *Dobro upravljanje u lokalnim samoupravama u Crnoj Gori* (Centar za razvoj nevladinih organizacija 2013) <<https://www.osce.org/files/f/documents/3/0/128236.pdf>> accessed 25 October 2021.

39 Dejan Vučetić, 'Decentralisation of City Administration and Competences of Decentralised City Units' (2016) 16(1) *Hrvatska i komparativna javna uprava* 124.



citizens participate in the functioning of sub-municipal government are public meetings and initiatives of citizens.<sup>40</sup>

Sub-municipal government units in Slovenia are divided into locals, villages, and cities communities. The municipality council decides on establishing this type of local governance, after public consultations with the citizens. Initiatives for constitution of sub-municipal government units can come from the citizens or from the municipality council, and they are optional. Legal personality depends on the municipality. The municipality act prescribed public tasks of sub-municipal government units and their financing. Elections in sub-municipal government are regulated by municipal statutes. Usually, tasks of sub-municipal government in Slovenia are local public services, local infrastructure tasks, managing local communal property and promotion of cultural and social activity. Financing of sub-municipal government is provided for in the municipality budget if it doesn't have legal personality. Otherwise, financing is provided for from the municipality budget, donations, own revenues, and property incomes. The ways of citizens participate are referendums, public meetings, public initiatives, and other forms of participation of citizens.<sup>41</sup>

According to the Act of Principles of Local Self-Government in the Federation of BiH, sub-municipal government is established in a form of local community or city district and can be established in local government units. The Act of Local Self-Government in the Republic of Srpska doesn't recognize sub-municipal government, but it defines local communities as a type of unit with the direct participation of citizens in the daily life of local government units. In District Brčko, a special Act of Local Community Units in District Brčko is implemented.<sup>42</sup> Sub-municipal government is mostly established in local government units in the Federation of BIH, but not so often in Republic of Srpska.

Recently research into sub-municipal government in Bosnia and Herzegovina identifies the main aspects for the organization and establishment of sub-municipal government, such as territorial organization, communication, internal organization, financing, legal personality and position, professionalization, election of the bodies within sub-municipal units and control (internal and external) of sub-municipal government.<sup>43</sup>

In Greece, there also exists sub-municipal government in forms of local communities and sub-municipal districts. The law does not give executive powers to local communities, and local communities do not have local tasks for which they responsible. Their councils can formulate proposals for the local government units, and they have an advisory role. This advisory role is focused on their opinions related to the management of municipal real estate, pasture lands and forestry, parking places, public markets, urban planning and urban regeneration of the district and for the provision of social assistance to persons in need.<sup>44</sup>

40 Jusić (n 24) 22–23.

41 Miro Haček and Anja Grabner, 'Local Sub-decentralization and Sub-municipal Divisions in Slovenia' (2013) 13(1) *Hrvatska i komparativna javna uprava* 213–28.

42 Jusić (n 24) 36.

43 Nova vizija mjesnih zajednica (working paper within project „Strengthening the role of local communities in Bosnia and Herzegovina“ by Swiss Agency for Development and Cooperation (SDC), implemented by UNDP, 2018) 110.

44 Hlepas (n 2) 119–43.

### 3.3. CASE STUDY OF SUB-MUNICIPAL GOVERNMENT IN CROATIA

#### 3.3.1. *Organizational framework*

Sub-municipal government in Croatia is established as a part of local self-government units, pursuant to the statute of the local self-government units and other legal acts. This type of local organisation is focused on citizens in the local community, who live in some local districts, parishes or villages. The main target is managing some local public tasks to fulfil local public needs, which are concerned with life at local level. For the functioning of this type of organization, special meaning is held in the the principle of subsidiarity which is incorporated in European charter of local self-government. According to this Charter, public affairs are done by public authorities which are closer to citizens, and, at the same time have institutional capacity for managing those jobs. These local public needs were created as needs of the local community, so they were established at local level. The role of sub-municipal government in the process of managing of local affairs can be dual: active participation, in sense of strong engagement of citizen in performance of public tasks, which would be a correcting influence of the public on the creation of programs of societal development and their implementation at local level; creation of control mechanisms, where local units can correct deviant processes which are against public interest.

In practice, sub-municipal government has mainly an advisory role, and the volume of powers depends on the leaders in local self-government who can some or many local public tasks delegate to sub-municipal government level. The role and the position of local sub-government reflects the needs of local self-government units in which framework it is acting, and especially the need for active participation of citizens in the performance of local tasks. In small local self-government units, the direct approach of citizens exists in communication with the bodies of local self-government. In such communities, the neighbourhood self government is not so significant. In the other local government units in Croatia, which are territorially larger with bigger populations, a distance between local administration and citizens can exist. In that case, sub-municipal government can have an increasing role, because it can promote some local public interest and needs. Croatia has a large number of local public units. Many of them are very small, but some of them are large. In that sense, we can see various practices in the treatment of sub-municipal government. Some of the local self-government units do not have established local sub-government units, others have just formally established, but in practice they do not have any role in local public life. Some of them take those types of local government very serious, and transfer some of the local public tasks to them. They are usually tasks which are connected with some of the specific public needs of the people who live in smaller local communities.<sup>45</sup>

#### 3.3.2. *Historical context of sub-municipal government and previous research*

The important fact should be noted that the legal successor of local communities by their abolition wasn't the local committee, but municipalities and cities. Local communities were

<sup>45</sup> Today's Institute of local committee, in organization sense, preceded institute of local community. In legal sense, it cannot be put an equal sign between that two institutes, because local communities are differed than local committee in legal responsibilities and funding. See Juraj Hrženjak, *Mjesne zajednice u komunalnom sistemu* (Informator 1963) 21–22.

established by the Local Communities Act.<sup>46</sup> By this Act, the local community was defined as a basic self-governing unit, which it 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.<sup>47</sup> Empirical research made in 1985. Year by research team from Faculty of Law, University of Split is analysed real situation of local community in that moment.<sup>48</sup>

The sample for research was created from local communities, which was divided into 21 city sub-municipal units, 3 island sub-municipal units and 29 village sub municipal units. The first group of sub-municipal units involved new city local communities were which were established as a result of urban development, for example Ravne Njive and Brda. The second group were old city sub-municipal units like sub-municipal units Varoš and Lovret. Suburban sub-municipal units were Stobreč, Solin and Kaštel-Sućurac. The rural part of Split was represented in the sub-municipal units of Muć Donji, Lečevica, Dugopolje, Brštanovo and Primorski Dolac. They were chosen because of their territorial diversity and geographical relations with other local communities. From the island sub-municipal units, the local community of Grohote was chosen. Research has shown that men are generally activists in smaller local communities, especially in suburban and rural areas.<sup>49</sup> In urban sub-municipal units, women were more present in their public activities.<sup>50</sup> Persons who participated in the work of local communities predominantly had 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.<sup>51</sup> In suburban local communities there was a concentration of favorable structure of

46 (NN 19/1983) (HR). 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. See Juraj Hrženjak, *Mjesna zajednica: osnove sistema neposredne socijalističke demokracije u mjestu stanovanja* (Globus 1974) 11–12.

47 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 daily life and work, and can directly negotiate, communicate and make decisions in realizing of their common interests and meeting their needs. Some expectations of citizens from future territorial development of community. See Onesin Cvitan, *Upravljanje gradom u razvoju* (Književni krug 1988) 210–19.

48 The study further showed that structure of sub-municipal government in Split very heterogeneous. There were sub-municipal government units with a very high degree of urbanization. On the other side, there were sub-municipal units in which prevailed rural way of life. See Onesin Cvitan (ed), *Samoupravno-teritorijalna transformacija Općine Split* (Pravni fakultet Split 1985) 10–12.

49 Mirko Klarić, 'Nova uloga mjesne samouprave' in Jakša Barbić (ed), *Nova hrvatska lokalna i regionalna samouprava* (HAZU 2010) 287–306.

50 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 of a younger age, and this activity decreases within age increase. Men were more active in middle age.

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

active participants of local communities by educational attainment.<sup>52,53</sup> Research has shown a low level of cooperation between urban and rural sub-municipal units. The general conclusion, according to this report, was there was not good cooperation between those types of units, with a constant lack of will to improve this relation. The main cooperation was between local administration in local self-government unit and sub-municipal units. That type of cooperation was based on managing local public tasks related to ordinary life in the local community, where local administrative bodies help sub-municipal units in the organization of those types of activities.

### *3.3.3. Elements of sub-municipal government in empirical research*

In Croatia, the form of sub-municipal government is determined by the Local and Regional Self-government Act.<sup>54</sup> Two types of sub-municipal government units exist: sub-municipal government committee and sub-municipal government district. Sub-municipal government committee units are created for municipal and city units, sub-municipal government district units are created for city units.<sup>55</sup> A sub-municipal government committee can be established for one settlement, more settlements, or part of some settlements. The initiative for establishing a sub-municipal government committee can be given by citizens and their organizations and associations, or other bodies defined by the statute of the local self-government unit. The Statute of Local Self-government Unit describes the procedure of giving an initiative and applying of proposal for establishing a sub-municipal government committee, authorities of the committee, determining program of work, basics rules of the local committee, way of financing its activities, performing administrative and other jobs related to their needs and other issues important for their activity. The Statute or other act of local self-government unit regulates issues related to election and performing of duties by members of the committee. The local committee may entrust some local government tasks to manage, which are under the jurisdiction of local self-government unit. The bodies of the committee are chairman of the sub-municipal government committee and the council of the committee. The council of committee is elected by the citizens within the area of the local committee, who have voting rights. As a member of the council of committee a citizen who resides on the territory of the local committee and has voting rights can be elected. Members of the local committee are elected in direct elections by secret voting and in a proportional electoral system. The mandate of the council lasts four years. Local self-government units, that have established sub-municipal government committee organization with their regulations, must organize elections for members of the bodies in that committees. Elections for members of council of local committee announce the representative body of local self-government unit, pursuant, the regulations of the local committee and rules of procedure, financial plan and annual report of work. Council of local committee from among its members elects the president of the council for a mandate

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

53 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.

54 See (NN 33/2001, 60/2001, 129/2005, 109/2007, 125/2008, 36/2009, 150/2011, 144/2012, 19/2013, 137/2015, 123/2017, 98/2019, 144/2020) (HR).

55 Juraj Hrženjak, 'Ustrojstvo i funkcioniranje mjesne samouprave u Gradu Zagrebu' (2011) 11(1) Hrvatska i komparativna javna uprava 43–69.

of four years. The president of the local committee represents local committee and responding for his work to council of the local committee. To the tasks which are within the authority of the local self-government unit, responds the mayor of local self-government unit. The council of local committee may organize citizen meetings to discuss about the needs and interests of citizens, and make proposals to solve questions of local importance.<sup>56</sup> Local citizens' meetings are chaired by the president of the council of the local committee or a member of the council appointed by the council of the local committee. Legality of the local committee supervises the mayor, who can dissolve the local committee, if it repeatedly violates the statute, rules of local committee, or local board does not perform a given task. In cities municipal sub-government districts as special forms of sub-municipal government may be established. They can be established in the areas which represent the urban, economic and social entirety, which has connection with the common interest of the citizens.<sup>57</sup> The powers and authorities of city districts and municipal districts are regulated by statute. Pursuant to Croatian law, municipal sub-government units have legal personality, which means that they implement legal rights and obligations, and possess property.

Research into sub-municipal government, which was carried out on four Dalmatian counties (Split-dalmatian county, Zadar county, Sibenik county and Dubrovnik-Neretva county), had shown that the Dalmatian region has a very similar orientation and opinion of local self-government and municipal sub-government in the Republic of Croatia.<sup>58</sup> Almost 50 % of all known opinions are of a very well-functioning and organization of sub-municipal government units, in 44 % municipality and cities units are established local committees, as a form of sub-municipal government. Satisfaction with the working of local committees or city districts is expressed by many citizens asking about many questions related to local self-government units. The importance of sub-municipal units can be acknowledged from 60 % percent of public audiences. A high majority of citizens can acknowledge the importance of sub-municipal government (almost 48 % in Dalmatia). Almost of 52 % of citizens think that it is necessary to improve development of the sub-municipal government. The next tool which is important for democratization of local government units and sub-municipal government are referendums, as a model which helps citizens to express their opinions about some questions important for the Country. In that sense, many citizens think that is necessary to improve communication with the citizens by organizing local meetings, where they can be better informed about local public matters and needs. Over 60 % of citizens thought that is necessary to frequently convene local meetings. Citizens think that this is important for developing local demarcation, and for the influence of the local inhabitants on local and sub-municipal government. Almost 44 % of citizens, who participated in this research, noticed that in their local community a sub-municipal government was established and functioning, which provides public services at that level. Only 48 % of the interviewed citizens can possibly answer the question of who the leader of sub-municipal unit where s/he lives is. To the question are you satisfied with the services which are provided at the sub-municipal level, citizens mostly

56 Vojko Rešetar, 'Istraživanje mjesne samouprave i neposrednog sudjelovanja građana u javnim poslovima na mjesnoj razini' (2011) 11(1) Hrvatska i komparativna javna uprava 71–98.

57 Romea Manojlović Toman, Tijana Vukojičić Tomić and Ivan Koprić, 'Neuspješna europeizacija hrvatske mjesne samouprave: nedovoljna atraktivnost ili loše institucionalno oblikovanje' (2019) 10(1) Godišnjak Akademije pravnih znanosti Hrvatske 185–210.

58 Klarić (n 7).

answered that they were not satisfied. Only 38 % of all citizens were satisfied with the local public services at sub-municipal level. Also, there is a low level of satisfaction with the local public services at sub-municipal level. Only 6 % off all participants in research were totally satisfied with the level of local services, and 24 % of all participants were mostly satisfied. Almost half of all participants (48 %) thought that the role of sub-municipal government is very important in local community and the next 32 % of participants thought that is important. Almost 52% of all participants thought that the role of sub-municipal government must be more significant and increase in local community. The next 22 % of all participants thought that the role of sub-municipal government can be increased in the local community.

#### 4. DISCUSSION

There are dozens of analyses about perspectives of future development of sub-municipal government in Croatia in the context of possible local government decentralization processes. There is no clear stance about that issue. Some of the relevant political and scientific participants think that Croatia needs political and administrative decentralizations. But the points of view, which are connecting decentralization processes in Croatia, are different. Publicly, the opinion mostly prevails that sub-municipal government takes place in the present local self-government system in Croatia. Some authors think that the present model of local self-government, and of course sub-municipal government can be a good base for reform of local self-government in Croatia.<sup>59</sup> Other authors have different points of view, and think that is necessary to create new territorial organization of local self-government,<sup>60</sup> which includes different organization of local self-government on regional and local level.<sup>61</sup> In that sense, new territorial organization of local self-government can re-actualize the role of sub-municipal government. The new role of sub-municipal government can be increased by managing many public tasks which are based on local matters.<sup>62</sup> That means that some responsibilities, which are in the power of present local self-government units, can be transferred to sub-municipal units. And that represents the totally new role of sub-municipal government in managing local public tasks, where sub-municipal government can become an important player for satisfying public needs at a local level. All of those things are important for understanding the complexity of reform in Croatian local self-government system. It has also shown that the role of sub-municipal government in Croatia can be very significant, if reform of local self-government leads to the creation of bigger local and regional self-government units. In this context, many public tasks, which are now the responsibility of the central state, will become subject of regulation of local self-government units, and in that case some of the public tasks, which

59 Boris Bakota, 'Local and Regional Government Reform in Croatia: Subsidiarity and Innovation in an Era of Austerity' in Carlos Nunes Silva and Ján Buček (eds), *Fiscal Austerity and Innovation of Local Governance in Europe* (Ashgate 2014) 113–28; Boris Bakota and Tanja Grbanović, 'Reforma lokalne i regionalne samouprave s posebnim osvrtom na funkcije županije' (2011) 27(2) *Pravni vjesnik* 179–99.

60 Ivan Koprić, 'Teritorijalna organizacija Hrvatske: prema novom uređenju' in Jakša Barbić (ed), *Nova upravno-teritorijalna organizacija Hrvatske* (HAZU 2015) 21–22.

61 Vidoje Vujić, 'Nova uloga i teritorijalna organizacija hrvatske lokalne i regionalne uprave i samouprave' in Jakša Barbić (ed), *Nova upravno-teritorijalna organizacija Hrvatske* (HAZU 2015) 171–78.

62 Klarić (n 7) 1.

are closely connected with the local community and provide a better quality of life, will be transferred to the sub-municipal government, which are, by their own nature, closely connected with their local community, and can better recognize local public needs. This approach includes a new role of sub-municipal government in the new local government system, which is naturally connected with a central government administration, according to the principle of subsidiarity. This approach includes large public administration reform, which is one of the crucial political issues in Croatia.

Sub-municipal government is in present part of local government systems in many of the European states. In the Middle Eastern and Southeastern European countries, they have certain role in managing of some local public tasks. Those tasks are connected with daily life of local community. The role of sub-municipal government in managing of local affairs can be dual: active participation in managing of public authorities and control in managing of local public tasks. Active participation includes directly engagement in providing of local public tasks, which are closely connected with a daily life in local community. That leads to participation of citizens in performance of local public tasks, which is simple to arrange, because of direct communication between the citizens in local community and the bodies of sub-municipal units. Second role, control in managing of local public tasks is characterized not only for self-government system which are highly decentralized, with strongly sub-government units, but also for centralized countries, where those type of local units exists. In highly centralize countries sub-municipal government can be very useful as a support for managing of some simple public tasks, which they have local character. They can also successfully detect needs and interests in local community and assure two-way communication between citizens and local units. In different countries sub-municipal government has different role. In South-Eastern European countries, this role is determinate by long history of organization of sub-municipal government in one side, and the role in daily life in local community, which is different, and it depends from state to state. In Croatia, sub-municipal government has role and some sense in bigger Croatian cities, where it can be useful in participating of local public tasks. But in some small local government units, role of sub-municipal government is usually irrelevant, and executive and administrative bodies of local government units can very successful to manage all of local public tasks and authorities. Many of those units don't have organizationally established sub-municipal government, because the act of establishing of sub-municipal government is an act of local self-government units, and they don't have obligation to do that. They also don't use sub-municipal units as a tool to improve better governance or providing local public services. The main reason is that they are too small to have even smallest territorially units for managing of local public tasks, or organizing some democratic processes in local community, such as citizens' assemblies, local referendums and local initiatives which they have intent to improve quality of life citizens in local community. In that sense, sub-municipal government has huge potential and can be very efficient tool in potential decentralization processes in Croatian local government system. But the main question is how to improve that decentralization processes and in which direction these processes will be directed. Only in that case we can define possible role of sub-municipal government in local government system. Then it can be determinate how we can use sub-municipal government in local communities to improve local government policies, and how sub-municipal government can contribute to strengthening of democratic processes and improving of dialog between local community and local authorities. In this situation we can expect that sub-municipal government can be effi-

cient toll for managing of local policies and strengthening dialog between citizens and local authorities. Sub-municipal government represent nearest level in communication with citizens in local community. Because of that, this type of governance is a probably the best tool for providing many of local public services and fulfilling a needs of citizens in local community. Beside of that, it is also efficient mechanism for canalizing many of different political and other initiatives in local community. But in this moment, neither in Croatia but also in other countries of South-Eastern Europe this type of governance don't have significant and relevant role. At the end, the main question of this discussion is on which conditions and how we can expect strengthening of sub-municipal government as a part of local government reform processes, and how we can define role of sub-municipal government in reforms of local government system in South-Eastern European countries.

## 5. CONCLUSION

Sub-municipal government as a part of local government units has a significant and increasing role in many different countries. It is an important part of decentralization processes, especially in urban communities, where it is responsible for many local tasks and obligations, but also for dynamic interaction of the citizens in local democratic processes. In the local government system of Southeastern European countries, it has a long tradition with a significant role in organizing local government activities and carrying out many local initiatives regarding the building of local communal infrastructure and improving conditions of living. In the present local government system, sub-municipal government doesn't have a significant role, but it has informal influence on local democratic processes. Many local government scientists and experts have predicted a more influential and significant role this type of organization plays in decentralization reform of local government. In that case, this type of institution can provide more serious duties and activities at a local community level with strong participation of citizens in local democratic processes. The main focus is in the transformation of public authorities from central government bodies to the local institutions, which can be municipal or sub-municipal, and strengthening of local powers, according to the decentralization process and public administration reform. The role of sub-municipal government in South-Eastern Countries can be specific. Development of this type of local government organization form depends on future development of relations between central and local government bodies and division of political power at both central and local level. Sub-municipal government in South-Eastern European countries have had a long tradition and strong influence on local relations in the public community. This influence had has remained significant even from the establishment of a new model of political and administrative system with local self-government organization implemented by formal public authorities. On the other side, this type of self-government has increasing institutional potential in the possible decentralization of public administration and strengthening of local territorial institutions in South-Eastern European Countries.



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## RAZVOJ MJESNE SAMOUPRAVE U ZEMLJAMA JUGOISTOČNE EUROPE

### Sažetak

Lokalna samouprava je uspostavljena kao institucionalni odgovor u pravcu kreiranja ravnoteže prema središnjoj državnoj vlasti, kako bi se unaprijedili demokratski i razvojni procesi u lokalnoj i široj društvenoj zajednici. S druge strane, mjesna samouprava je uspostavljena kao dio procesa lokalne političke decentralizacije, s ciljem jačanja lokalnih političkih i upravnih institucija koje predstavljaju organizacijsku strukturu lokalne samouprave. Obje mogu predstavljati institucionalnu mogućnost i odgovor u iniciranju i podupiranju demokratizacijskih procesa u suvremenom društvu. Ovaj rad iznosi analizu odnosa koji nastaju kao rezultat političke decentralizacije u lokalnoj zajednici i ulogu koju mjesna samouprava zauzima kao sredstvo za jačanje političkih institucija u zemljama Jugoistočne Europe. Analiza također pokazuje kako mjesna samouprava može biti značajan institucionalni alat za iniciranje promjena u lokalnoj zajednici.

*Ključne riječi:* mjesna samouprava, decentralizacija, razvoj



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