

Innovations in Sub-National Government in Europe

Innovaciones en los gobiernos subnacionales europeos

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RESUMEN

La mejora del gobierno se encuentra arraigada con frecuencia en los niveles descentralizados. En este artículo los autores analizan la historia reciente de la innovación en los gobiernos subnacionales europeos. Se centran en dos tendencias generales, y para cada una de ellas distinguen entre dos tipos de innovación: reformas estructurales y nuevas formas de acción en estructuras institucionales existentes. La primera tendencia se refiere a las relaciones cambiantes entre gobierno, sociedad civil y ciudadanía en respuesta a la creciente contestación a la naturaleza de la democracia representativa tradicional. Ejemplos de reformas estructurales son: el incremento de la participación ciudadana, el mayor recurso a los referenda y la introducción de la elección directa del alcalde. Las nuevas formas de acción son la coproducción y la innovación entre el sector público y el tercer sector. La segunda tendencia descrita en este artículo es el cambio dentro del gobierno mismo, principalmente la emergencia de la “gobernanza” y el cambio en el tamaño administrativo. Las reformas estructurales adoptan formas diversas: el aumento del tamaño para mejorar la capacidad del sistema, el aumento del tamaño para favorecer la participación ciudadana, y la reducción del tamaño para favorecer asimismo la participación ciudadana. Además, se advierten nuevas formas de acción dentro de los mismos gobiernos: cooperación transfronteriza, cooperación intermunicipal y nuevas formas de evaluación del rendimiento y de la gestión financiera. Los autores concluyen el artículo mencionando algunos desafíos para los académicos y para los gobiernos.

PALABRAS CLAVE: Democracia local, innovación, reforma estructural, nuevas formas de acción.

ABSTRACT

Improvement in government is often rooted in decentralised layers of government. In this article the authors discuss the recent history of innovations in sub-national government in Europe. They focus on two general trends and developments. Cases of interesting practices and developments illustrate the

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general trends. For each general trend a distinction is made between two kinds of innovations: structural reforms and new ways of working within existing institutional settings. The first trend concerns changing relations between government, civil society and citizens, in response to the increased contestation of the nature of traditional representative democracy. Examples of structural reforms are: increased citizen participation, the expanded use of referenda and the introduction of the directly elected mayor. New ways of working are: forms of coproduction between the public sector and the third sector. The second trend described in this article is change within government itself, mainly the rise of 'governance' and changing administrative scales. Structural reforms take several forms: scale enlargement to enhance system capacity, scale reduction to enhance system capacity, scale enlargement to enhance citizen effectiveness, and scale reduction to enhance citizen effectiveness. Next to them, new ways of working can be observed within governments: cross-boarder co-operations, inter-municipal co-operations, and new forms of performance assessment and fiscal management. The authors conclude the article with a few challenges to both academics and governments.

KEYWORDS: Local democracy, innovations, structural reform, new ways of working.

SUMARIO

1. Introduction. 2. Contested Democracy, Civil Society, And Citizens. 3. Governance And Government Scale. 4. Challenges To Sub-National Government.

1. INTRODUCTION

At present, Europe and the rest of the world face economic and ecological crises that undoubtedly require innovative responses from authorities. We may expect to find a number of surprising, innovative responses at local and regional level especially since history, in many countries, teaches us that improvement in government is often rooted in decentralised layers of government.

In this article we discuss the recent history of innovations in sub-national government in Europe. We focus on two general trends and developments that we believe to be significant: A) changing relations between government, civil society and citizens, in response to the increased contestation of the nature of traditional representative democracy and B) change within government itself; mainly the rise of 'governance' and changing administrative scales. We illustrate these trends with concrete cases of innovative measures or behaviour in several European countries.

It is quite inciting, though, to discuss general developments in countries as different as European countries (Franzke *et al.*, 2007). There are various state traditions and local government systems in Western Europe, each with its own implications for the structure and mechanisms of local government (cf. Hesse and Sharpe, 1991; Loughlin and Peters, 1997). Differences exist, among others, in the number of tiers of government, the degree of local and regional autonomy, the governmental tasks and competencies, the size of authorities, the political and governance set-up at every government level and the form of democracy (Norton, 1994; Loughlin and Peters, 1997; Kersting and Vetter, 2003; Denters and Rose, 2005).

Academic and practical insights are increasingly derived from comparative studies, especially regarding local and regional governance and democracy. They teach us, that the gaps between the various government systems in Europe have narrowed in recent decades, partly because of some general developments which have affected all the countries and therefore the municipalities (John, 2001; Vetter and Kersting, 2003:333; Denters and Rose, 2005:2ff). These developments are partly economic. Some have been prompted by new policy challenges in connection with, amongst others, the environment,

ageing populations, migration and integration. The threat of political apathy is another universal phenomenon, as is the increasing involvement of the private sector, including the local business community and groups of ordinary citizens. There are some striking similarities in the way municipalities –at least in Western Europe– deal with these questions. Terms like 'governance', 'new public management', 'contracting out', 'privatisation', 'public private partnership', 'community partnerships', and 'multi-level and multi-actor governance' are "but a few of the neologisms that pervade current publications on local politics and government" (Denters and Rose, 2005:1). Such similarities should not, of course, obscure what are still distinct differences between municipalities and between countries. Nevertheless, similar institutional configurations tend to produce similar trends beyond the existence of distinguishing structural (size, rural-urban cleavages), individual (leadership) or cultural (collectivist vs. individualist attitudes) variables (Sootla and Küngas, 2007). We may conclude that increasing similarities among European countries do improve the prospects for comparative analysis, and learning. The overview of innovations provided in this article may contribute to these prospects.

The authors' ambition is by no means to provide an all-encompassing overview. Instead, we describe general trends and interesting, challenging, cases from various European countries, based on the available body of knowledge - mainly academic literature. In doing so, we regrettably pay slightly more attention to developments and innovations in traditional democracies in the west of the European continent. This is not an intended overexposure, but simply results from the use of available sources. Furthermore, many specific innovations in Central and Eastern Europe are not yet well documented in the international literature.

The cases that we discuss are not best practices, nor are they worst practices; they are above all examples of interesting practices and developments. For each general trend we make a distinction between two kinds of innovations: structural reforms and new ways of working in existing institutional settings. The ambition in this article is to give a comprehensive overview

of interesting innovations that aim to solve some of the problems in Europe's sub-national government. Our aim is to formulate challenges to present day sub-national government.

In sections 2 and 3 of this article we discuss the two general trends we have distinguished above respectively. With regard to each trend we address the theoretical considerations behind it, the structural reform by which it is portrayed and the new ways of working it has produced. Each section ends with a discussion, leading up to the general discussion in section 4, in which we formulate three challenges to sub-national government.

2. CONTESTED DEMOCRACY, CIVIL SOCIETY, AND CITIZENS

2.1. THEORETICAL CONSIDERATIONS

The strained way local government, and local democracy in particular, functions is one of the problems facing many, if not all local governments in Western Europe (Daemen and Schaap, 2000; Caulfield and Larsen, 2002; Kersting and Vetter, 2003; Denters and Rose, 2005). Many authors stress the problems of present-day local democracy: On the one hand, low rates of voter turnout that oscillate in Europe between 30 per cent and just above 60 per cent in the best of the cases, reflect the degree of citizen disaffection with local politics. On the other hand, the progressive presence of stakeholders in the policy-making processes makes it even more difficult for councils and civil society to assess the results of public action and feeds the harmful spiral of disinterested citizens and irresponsible governments. The public is realigning itself. People are less engaged with the local community and becoming more individualistic. They are demanding more and better services from the government. At the same time, they are more willing to participate, debate and act. The importance of traditional representative democracy is declining. These trends are creating a tension between representative democracy and trust in elected bodies on the one hand, and public input and participation on the other. All of this is taking place against a background of increasing social fragmentation.

Four strategies – some more interventionist than others – are being deployed to address these trends (Daemen and Schaap, 2000; Caulfield and Larsen, 2002; Kersting and Vetter, 2003; Denters and Rose, 2005). The first strategy aims to *strengthen the existing model of representation* by, for example, reforming the electoral system, simplifying the voting procedures, improving the performance of the municipal councils, establishing district councils, or reinforcing the role of the executive by a power separation between executives and councils. The second attempts to *broaden the concept of representation* by inviting people to participate in dialogue while maintaining representation as the only source of legitimate authority. Many countries have thus created non-binding mechanisms of citizen consultation such as opinion polls, panel discussions and advisory boards.

The third strategy sees the *citizen as a customer*. In this vision the core concept is 'customer democracy', which is sometimes put into practice by defining the quality of services that citizens are entitled to expect, and sometimes by allowing citizens a say in the decisions on services. The fourth strategy, likewise, adds *another form of democracy* to electoral representation: direct and participative democracy, which embraces referenda, elected mayors, co-produced policy, and self-governance by citizens. In this strategy, the power to make binding decisions moves, in part, from the representative council to civil society or even to individuals or groups of ordinary citizens.

The implementation of participatory tools (referenda, political markets, citizen's juries, etc.) draws direct links between citizenship and policy-makers bypassing councillors, the traditional representatives of the community, who are compelled to sacrifice their role and reinvent themselves for the sake of citizens' participation. We may understand citizens' participation as a learning process where the general aim is to achieve an optimal political participation, without erasing the representative democratic system but rather enriching it (González Medina, 2007). Government may fulfil the role of an arbiter in cases of conflicts between different actors, since there is a necessary premise of balanced forces within a governance system characterized by plurality and deliberation.

2.2. STRUCTURAL DEMOCRATIC REFORM

Several developments in Europe's sub-national government mirror these strategies of democratic innovation. In this section we discuss three of them: increased citizen participation, the expanded use of referenda and the introduction of the directly elected mayor.

2.2.1. CITIZEN PARTICIPATION AND CITIZEN INITIATIVES

Political scientists heavily discussed the concept of participatory democracy in the 1960s and 1970s (Macpherson, 1977; Milbrath, 1966; Pateman, 1970). It is a relatively modern notion of democracy, but it is based on classic democratic principles (Held, 2002:263-273). Currently, participatory democracy is still under discussion (Edelenbos and Klijn, 2006; Held, 2002; Hendriks, 2006; Saward, 2003). Saward (2003:149) describes participatory democracy as "any form of democracy which emphasizes or enables extensive participation in decision-making by members of the whole group concerned." Hendriks (2006: 124) simply states that participatory democracy is "bottom-up democracy. The democratic process is driven by participants from the public domain. It is a process of social interaction." Held (2002: 5) based his 'model of participatory democracy' on Macpherson (1977) and Pateman (1970) and argues that participatory democracy is linked with the more classical model of direct democracy and that it is pluralistic. Lowndes (1995:165) also stresses the local practice of participatory democracy, "participation is most likely to take place at the local level where people live and work and socialize, raise their families, and draw upon the services and benefits of the state." It often depends on the receptiveness of the local government how participatory democracy is institutionalised in its daily practice. However, since the introduction of Stoker's (*et al.*, 2006) CLEAR (Can do, Like to, Enabled to, Asked to and Responded to) model there is a stronger call for governments to use participation in a more flexible way. Lowndes and Pratchett (2006) argue that this "model recognizes that participation strategies need to be sensitive to local contexts and dynamics." By saying this, they warn against participative processes that are too institutionalised.

In many European countries, there is a loud call to invite and involve citizens in decision-making (Michels, 2006; Denters and Rose, 2005; Durose *et al.*, 2009). There is an increasing variety of instruments being implemented by local governments, such as citizens' juries, citizens' panels, district budgets and so on. Citizen participation has traditionally been used in urban and regional planning (Healy, 1997), but is increasingly being used in social and safety policies as well (Van de Wijdeven and De Graaf, 2008; Durose *et al.*, 2009).

In this respect, there are big differences between European local democracies. There is a tradition of at least twenty years with citizen participation in local democracies in North and Western Europe, for instance in the United Kingdom, in the Scandinavian countries, in Germany and in the Netherlands, where new experimental techniques are being developed, tested and applied. In Southern European countries, such as Spain, Portugal, France and Italy, governments recognise the urgency of an additional democratic approach besides representative democracy. However, citizen participation has not yet systematically been applied and it is somewhat in the experimental stages. In Central and Eastern Europe (for example, Rumania, Slovakia and Slovenia) democracy is mainly based on representation, despite the fact that citizen participation often has a formal basis. However, the participation practise is growing slowly. Experiences with citizen participation in northern and western countries are often considered as examples.

From a more normative point of view, it is debatable whether more citizen participation or a broader participation practise is better for local governance and democracy. The quality of local democracy should be approached from different democratic angles. There is a greater urgency for more participation whenever the functioning of representative democracy is lacking. We see an increase in the use of citizen participation in Europe, but this is highly dependent on the democratic tradition (and national culture) of these countries. The European Union has initiated all sorts of networks, for instance, the 5th, 6th and 7th research frameworks of the European Commission and the European Research Council, to stimulate the exchange of experiences between countries and cities. This

helps countries to learn from each other and to widely share knowledge.

2.2.2. REFERENDA

There are other instruments to strengthen and to broaden representative democracy besides citizen participation, such as changes in the electoral system and the introduction of directly elected mayors in German Länder. A referendum is a well-known instrument that is based on direct democracy. It is one of the oldest democratic instruments and is applied in many countries (Gallagher and Uleri, 1996; Verhulst and Nijboer, 2007; Setälä and Schiller, 2009). Referenda aim at obtaining legitimacy for a concrete decision or intended policy. The referenda experience in Europe differs. Switzerland and, to a lesser extent, Austria have a long and wide tradition of referenda (Verhulst and Nijboer, 2007). In other countries, like the Netherlands, referenda are selectively used. Dutch referenda are used more on a local level than on a national level and have a legal basis (for instance in national law or a local by-law). Local governments are more often the initiators of a referendum than citizens (Graaf, Schaap *et al.*, 2009). In Germany, we see a significant increase in the use of referenda since the 1990s., at both the Länder and the local level.

2.2.3. DIRECTLY ELECTED MAYORS

In many countries governments have decided to introduce direct mayoral elections (Bäck *et al.*, 2006; Schaap *et al.*, 2009a+b). Borraz and John (2004: 114ff) link the direct election of mayors to the need to restore legitimacy and to the emergence of stronger local leadership in relation to the challenges of the complex setting of local governance. Selection procedures do play a role, whether direct or indirect. Direct election provides a sound basis for negotiation, both at the local level and in intergovernmental relations. This can be observed in Greater London and in some of the English municipalities that have directly elected mayors. Selection procedures can have a number of indirect effects. Direct election of the mayor indirectly increases the importance of a charismatic personality (Borraz and John, 2004: 117ff; Schaap *et al.*, 2009b). In

addition, directly elected mayors tend to become the focal point for citizens, who increasingly turn to the mayor with their demands, complaints and other contacts with local government. Another indirect effect that direct elections can have on mayoral performance is that they may accelerate the tendency of mayors to become local leaders. Directly elected mayors in municipalities in the German Land Hesse as well as a number of English municipalities, provide clear examples of how mayors are becoming powerful local leaders, despite their limited statutory positions.

2.3. NEW WAYS OF WORKING

In addition to the challenging practices of a more formal institutional nature which were described in the previous section, we observe some new ways of working throughout Europe. Local governments are finding new ways to involve citizens and stakeholders in policymaking. They are becoming more creative. They use ICT and conduct democratic experiments that appear to be successful in other contexts. Furthermore, citizen initiatives are increasing and third sector organisations are becoming more aware of the importance of investing in social cohesion and social capital. For instance, there are more citizens who make use of district budgets (Van de Wijdeven and De Graaf, 2008). The fundamental change in the relationship between government, civil society and citizens is that the relationship is becoming more and more horizontal (Van Duivenboden *et al.*, 2009). This has consequences for the way governments have to interact with its citizens. It requires civil servants to be more responsive and to develop more communicative skills (Michels and De Graaf, 2009). It also has consequences for community leadership and responsibilities.

2.3.1. COPRODUCTION BETWEEN THE PUBLIC SECTOR AND THE THIRD SECTOR

Social, economic and political change has altered the nature and functioning of government and has affected the position of citizens and civil society. The changing role and perception of the state has led to new modes of policy-making and implementation as well as the

involvement of a wide range of non-state actors in the processes of governing. Involvement of civil society in the structures and processes of governance has serious implications for politicians, systems and citizens. The expanding role of civil society raises questions about accountability and the representativeness of the civil society organisations. Managing this involvement poses challenges at the local level (Quinn, 2010). Ireland shows an interesting way of involving the civil society. Ireland has a strongly centralised political system with functions such as health, education and policing being carried out by central government departments (see Quinn, 2003). The involvement of civil society is institutionalised. As part of its reform strategy, central government sought to integrate local government and local development. To achieve these aims, new structures were created, based on a partnership approach. Each local authority established 4-5 Strategic Policy Committees (SPCs), mirroring the authority's major functions and formally involving non-governmental actors in local authority policy-making. A key element of the reform was the creation of the County Development Boards (CDBs) which are charged with the social, cultural and economic development of their particular local authority area. Since 2004 the role which CDBs play in efforts to promote social inclusion has been strengthened by central government as they have been mandated 'to consider and endorse work plans prepared by community and local development agencies' (Quinn, 2010).

We also see changing relationships between *civil society* and governments. Civil society has different names such as the community and voluntary sector (Quinn, 2010) or the third sector (Pestoff and Brandsen, 2009). The relationship can be characterised by an increasing horizontalisation, which might be a consequence of New Public Management. These civil society organisations are more distant from local governments (through privatisations, contracts and so on) and therefore the voluntary sector is being put under more and more pressure (Putnam, 2000). Obviously, government is not (anymore) the only one that is responsible for social developments and society, but these responsibilities are now broadly shared by partnerships and networks (Van Duivenboden *et al.*, 2009). We

see an increasing complexity to govern these social problems. As a result, there are big differences between Northern and Southern Europe. Many countries in Europe, especially Nordic and western European countries, are searching for new ways to involve the third sector in the provision and governance of social services (Pestoff and Brandsen, 2009).

In any given EU Member State, the reasons will vary and may be more specific; however, taken together, they imply a major legitimacy crisis for the public sector as a provider of welfare services. It is in this context that the third sector has returned to the spotlight as a provider of public services in welfare states where it traditionally did not have a major role. The third sector's previous role has been changing. The third sector has different roles in different countries. An example is the involvement of co-producers, like parent participation in schools and in day care centres. This promises to empower consumers and reduce the gap between the professionals and their clientele (Evers, 2006). There has been some recent empirical work to explore the effects of citizen participation in service delivery. It examined the relationship between parent participation in the provision and governance of childcare in eight EU countries (Pestoff, 2006 and 2008). Results showed different levels of parent participation in different countries and in different forms of provision, i.e., public, private for-profit and third sector childcare. The highest levels of parent participation were found in third sector providers, like parent associations in France, parent initiatives in Germany, and parent cooperatives in Sweden. There were different kinds of parent participation, i.e., economic, political and social. All three kinds of participation were readily evident in third sector providers of childcare services, while both economic and political participation were highly restricted in municipal and private for-profit services (*ibid.*).

There is no systematic evidence to indicate that third sector organisations are necessarily greater innovators than other types of providers. However, there is some recent material that indicates how they can redefine their core tasks and, in doing so, question the paradigm underlying their traditional strategies (Pestoff and Brandsen, 2009).

2.4. DISCUSSION: IMPROVING LOCAL DEMOCRACY

The representative democracy model may very well serve as a source for improvements, but it has its limitations. We need to add and combine ideas, derived from several other democratic approaches.

First, the third sector's potential is to provide public service delivery. Co-production is a new way of working in these fields. Second, there are some lessons to be learned about referenda. For instance, it is important to stimulate the turn-out rate by holding a referendum on a regular election day. Besides, the way the referendum question is posed/formulated, is crucial. It must also be crystal clear to voters what exactly is the difference between an election and a referendum. Moreover, it is important to know what will happen to the results of the referendum. Third, the political and institutional learning that results from special community initiatives needs to be incorporated into sustainable processes and procedures of government and the organisations of community. Fourth, community involvement matters in terms of improving the quality of decision-making and leaders' capacity to reflect and respond to locally generated demands.

Finally, there are some lessons governments may learn with regard to participatory policy-making and interactive planning. Local governments should be clearer about the expectations they raise (De Graaf, 2009). Participatory policy-making is based on the principles of participative democracy and not on representative democracy. In participatory policy-making, many groups (ethnic minorities, young people, and people with a low income) are underrepresented. Asking citizens and clients is not enough, government must respond to citizen input.

3. GOVERNANCE AND GOVERNMENT SCALE

In the previous section we have discussed changing relations between government, civil society and citizens, in response to the increased contestation of the nature of traditional representative democracy. We now turn to the second general trend we observe in Europe's sub-national

government; change within government itself, mainly the rise of 'governance' and changing administrative scales.

3.1. THEORETICAL CONSIDERATIONS

Thinking in terms of 'governance' in particular is a very important development in international public administration (Rhodes, 1997; Kickert, Klijn and Koppenjan, 1997; Pierre and Peters, 2000; John, 2001; Kjaer, 2004; Denters and Rose, 2005:1; Goldsmith, 2005:243). It is an approach to public administration as well as administrative practice. Sub-national authorities are losing more and more of their autonomy and capabilities for independent problem solving. To address the growing societal problems, they increasingly depend on co-operation with other actors. Public actors from European institutions, national governments, regional government and other local authorities are progressively intervening in local policy and decision-making networks. In addition to these actors, the private sector is also becoming more important. Not only local business, but also civil society and individual citizens are growing in relevance to local governance. However, on the other hand, individual authorities are obliged to be accountable for the performance, decisions and actions of the multi-actor networks they participate in. Taken together, these trends appear to be contradictory in their demands to local authorities. Authorities have to co-operate and be accountable for joint performance at the same time.

One solution in particular stands out in the search for ways to deal with this contradiction: scale reform, mostly scale enlargement. All over Europe we observe governments' struggles with the scale and size of government units such as municipalities and regions. When it comes to institutional reform as a way of solving problems in sub-national government through innovation, changing authorities' scale (i.e. the geographical size) is an often used instrument. Many of Europe's administrative reforms are grafted upon changes of administrative entities' scales. It is the search for the right scale, which has led to intense debates regarding 'rescaling' (Blatter, 2007; Brenner, 1998, 1999a, 1999b; Hall and Pain, 2006). The presupposition is that there is a causal link between

the geographical scale and size of governmental units and their problem-solving performance. In this kind of analysis, which belongs to the traditional ‘government’ perspective, failing policies result from inadequacies in the fabric of government, particularly its size. Small wonder then, that solutions are sought in reforming the scale of government, sometimes in reducing the scale, more often in enlarging the territory. The basic assumption being that three different scales need to be congruent, that is the scale of government, the scale of the societal issue at hand, and the scale of public involvement (Scientific Council for Government Policy, 1995:25).

Two concepts are relevant in this respect: system capacity, that uses governments’ abilities to formulate and execute policies and thus solve societal problems, and citizen effectiveness, that is the extent to which local governments succeed in letting citizens participate effectively in the decision-making processes (Dahl and Tufte, 1973). Both may be used to assort the ambitions reformers have with scale alterations. Furthermore, two main reform strategies can be distinguished in the territorial reorganisation of sub-national government: scale enlargement (up-scaling) and scale reduction (down-scaling). Of the two, scale enlargement, is much more common throughout Europe, based on the belief that the scale of societal issues has gradually become larger (as the result of globalisation for instance). Table 1 uses the two criteria of citizen capacity and citizen effectiveness to develop a typology of scale reforms that will be used to categorise the scale reforms discussed below. Note, however, that the categories are not entirely mutually exclusive. Some government reforms fall under more than one category, because they aim at increasing system capacity as well as increasing citizen effectiveness. Intra-municipal decentralisation is such an example.

However, sometimes large-scale reforms of

the territorial layering of states are not perceived as being a viable alternative, whereas some arrangements are necessary to solve problems that arise. There are numerous instances in which problems of scale are not dealt with by institutional reform, but by new ways of working within government and between governments. This trend relates to the incorporation of different and improved management techniques in the organisation of public administration which can lead to performance measurement. These also include instruments to promote good governance, for example fiscal measures in many post-Soviet countries. The main goals of the specific responses for both trends include better economic performance through, for instance, more efficiency and better general performance. New ways of working within government are, to some extent, perhaps the least visible type of development to the general public. However, they can often lead to a great deal of debating within governments. Furthermore, even though these types of responses are restricted to arrangements between governments, there are certainly aspects that could or should be evident to citizens. For example, the main goal of the ‘Neues Steuerungsmodell’ (NSM), a German version of New Public Management (NPM), is to increase citizen ‘customer’ satisfaction’.

Below, we discuss these two alternative reform strategies separately, that is structural reform and new ways of working.

3.2. STRUCTURAL REFORM: SCALE ADAPTATION

3.2.1. SCALE ENLARGEMENT TO ENHANCE SYSTEM CAPACITY

Many institutional reforms aim at an enhancement of system capacity through scale

Tabla 1
Typology of scale reform

Goal	Measure	
	Scale enlargement	Scale reduction
System capacity	A	B
Citizen effectiveness	C	D

enlargement. It is generally believed that up-scaling will lead to more efficient government. The argument is twofold. First, larger government units would better fit the scale and complexity of current societal issues. Second, scale enlargement would lead to economies of scale. One of the more interesting examples of this reform strategy is Denmark's 2007 Structural Reform (Danish Ministry of the Interior and Health, 2007), which amounted to the merger of the 271 municipalities into larger units creating 98 new municipalities, the abolishment of the counties and the creation of five large regions. With this structural reform, Denmark has displayed a remarkable ability to implement comprehensive structural administrative innovations.

Municipal amalgamations as such, be they incremental (e.g. The Netherlands) or intermittent (e.g. Belgium, Denmark) and compulsory (e.g. United Kingdom) or voluntary (e.g. Estonia), have been one of Europe's most widespread institutional reform strategies, with the hope of increasing system capacity. But, with varying results, both in terms of system capacity and in terms of citizen effectiveness (Schaap and Karsten, forthcoming). Europe has also witnessed the recent creation of regional political-administrative entities (either fully fledged regional governments or forms of inter-municipal cooperation), such as the Czech Republic's provincial governments (which was accompanied by the abolishment of the district offices in 2003 – Illner, 2003), Madrid's Ilex (Spain), the Hannover Region (Germany), the Greater Lyon Urban Community (France), and the Greater London Authority (United Kingdom), especially in metropolitan areas. System capacity seems to be the main consideration behind these innovations.

3.2.2. SCALE REDUCTION TO ENHANCE SYSTEM CAPACITY

Increases in system capacity can also be obtained through scale reduction. According to the argument for effective management, smaller government units are both more effective and more efficient because they incorporate local needs better and are also better at taking the local context into account. In addition, smaller units are believed to make more comprehensive,

integrative policies. Consequently, smaller government units would make and implement more effective policies and thus deal with societal issues more adequately. According to this argument, scale enlargement would lead to *diseconomies of scale*, rather than to economies of scale. Therefore, scale reduction would be a viable reform strategy. Looking at Europe's reform strategies, devolution and decentralisation are the main forms of down-scaling. There are numerous examples such as in 1998, when several powers were devolved from the centre to sub-national units in the United Kingdom in the form of a legal, institutional reform. The UK system of devolution is often called asymmetric because different sub-national units have very different devolved responsibilities (Leeke, Sear and Gay, 2003). On the other hand, the UK devolution can be said to display a considerable amount of flexibility because it managed to take into account different sub-national contexts.

France's *Loi constitutionnelle* n° 2003-276 is an interesting example of decentralisation by way of constitutional reform because it not only aimed at an increase in system capacity (through further administrative subdivision, agreements on local tax revenues and decentralisation of tasks), but also included measures on citizen effectiveness (e.g. by establishing conditions for local referenda).

3.2.3. SCALE ENLARGEMENT TO ENHANCE CITIZEN EFFECTIVENESS

There is a considerable amount of scientific evidence for the proposition that citizens are more involved with those issues that are closer to them in a geographical sense (the argument of proximity). Nevertheless, scale enlargement may enhance citizen effectiveness, since larger government units *ceteris paribus* are more capable of organising and facilitating citizen involvement in policy-making (Rose, 2002:830). Studies from countries with a high level of municipal fragmentation (such as the Czech Republic, Slovakia, Hungary, Romania – Swianiewicz, 2003) support this observation (Pop, 2005). Still, the number of examples of administrative reforms that aim at increasing citizen effectiveness through scale enlargement are rather limited.

Whereas citizen effectiveness generally is not one of the main considerations in scale enlargement, such reform initiatives often do include (additional) measures that aim at an increase in citizen effectiveness. An interesting example is the introduction of the directly elected Mayor of London that accompanied the establishment of the Greater London Authority, which aimed at an increase in the democratic legitimacy of the regional government and of regional policies. Admittedly, the results in this respect are not unambiguous (see e.g. GLA, 2002), mainly because institutional reform alone does not guarantee success.

When it comes to citizen effectiveness, an additional advantage of regionalisation, which is a common form of scale enlargement, is that it may relieve local authorities of the burden of addressing societal needs that they are unable to fulfil. The relation between societal expectations and local government powers may consequently become less asymmetrical.

3.2.4. SCALE REDUCTION TO ENHANCE CITIZEN EFFECTIVENESS

Scale reduction is a much more common measure when trying to increase citizen effectiveness. It is believed that scale reduction generally brings government and policy-making in particular, closer to the people and therefore makes it more recognisable and more accessible. In addition, citizens would be more inclined to participate in policy-making processes at lower administrative levels. Citizen effectiveness would consequently increase (furthermore, there may be an additional bonus of increased policy effectiveness). This makes scale reduction a promising reform strategy.

Reforms of this nature can be found throughout Europe. One of the main examples is intra-municipal decentralisation which is the establishment of more or less autonomous political-executive entities at the sub-municipal level. Interesting cases can be found in Italy (Bologna), the United Kingdom (Birmingham), Slovakia and, in a number of Scandinavian countries (see e.g. Bäck *et al.*, 2004; Ostaaïjen *et al.*, forthcoming). It is rare to see the actual splitting up of European municipalities as we have seen in Sweden in the early 20th century and more recently in Central and Eastern Europe (Illner, 1999).

In addition, federalisation is increasingly common in Europe. The issue of citizen effectiveness plays an important role here. For example, democratic improvement through institutional adjustment is one of the main drives behind the Italian *federalismo* -especially since 2001-, which includes the constitutionalisation of the subsidiarity principle and further recognition of local and regional governments' autonomy vis-à-vis the state (Roux, 2008). Likewise, the creation of *Comunidades Autónomas* in Spain aims to (re)establish a fit between the self-identification of Spaniards and the administrative structure (Moreno, 2002).

3.3. GOVERNMENT AND NEW WAYS OF WORKING

3.3.1. GOVERNANCE ACROSS BOUNDARIES

Denmark and Sweden's Öresund region

It is in these situations that types of arrangements such as the Öresund Committee come into play (Andersen and Hovgaard, 2003; Dall Schmidt, 2005). This Committee was established in 1993 and constitutes both Danish and Swedish representatives. These representatives are 32 politicians (from local but also regional authorities) and there are 32 substitute representatives. The Committee does not have a formal task. Instead it is a 'loose' cooperation for a transnational region that encompasses cities such as Copenhagen in Denmark, and Malmö and Helsingborg in Sweden. The cooperation is loose in the sense that it is not a governing body, but that 'made' agreements have to be executed elsewhere, on a local level or in another form. However, the Committee does have a team of civil servants who work on Committee issues. In general, the Öresund Committee's goal can be seen quite broadly: to promote economic growth and the integration of the region as a whole. This is the main goal on which all sorts of sub-goals are based. The first big project undertaken was to build a (very long and costly) bridge between Denmark and Sweden (opened in 1999) in order to integrate the region further and stimulate (economic) cooperation and development (Greve and Rydbjerg, 2003). But several other bodies

have been established as part of this bigger regional project, such as a joint statistical bureau and medical and harbour co-operations (Hospers, 2004). In this sense the Öresund Committee is a promoter of different sorts of regional cooperation and development.

Swiss regional co-operations

Another example of these types of regional cooperation is in Switzerland (Kübler and Schwab, 2007). One could argue that the issues are perhaps somewhat simpler than in the Öresund region because there is no cross-border component, but there is still a considerable variety of levels with different jurisdictions that need to cooperate (Kübler *et al.*, 2005; Kübler and Scheuss, 2005). The basic issues confronting Swiss municipalities are the same. These are on the one hand, finding the right approach to appeal to citizens at an appropriate level and, on the other hand, providing different services (waste disposal, water management etc.) in the most effective and efficient manner. A major reason for the governance-focused approach taken by the Swiss was due to their inability to create a singular authority to deal with the problems on the 'right' scale level. In Switzerland territorial reform is not popular (Kübler *et al.*, 2001), and often citizen agreement through referenda is needed to transfer powers. In order to still be able to cope with the problem of dealing with the right scale advantages on the one hand and, the lack of support and reform possibilities on the other, several types of cooperation have emerged in and around the bigger cities. To stick to the previous examples: in the Zurich region other municipalities buy services from the Zurich water management public enterprise, whilst in the Bern region a joint water management stock company owned by the central city and eleven suburbs provides these services. The Swiss case is in this sense remarkable because it shows a wide variety of different arrangements to provide services on a local-regional level to deal with local wishes and sensitivities.

3.3.2. MANAGEMENT OF THE PUBLIC SECTOR

Quite different from scale we have seen various types of management reforms dominate the

debate in public administration over the past twenty years (Pollitt and Bouckaert, 2004). A large number of these responses have been dubbed New Public Management (NPM) reforms. However, the term NPM can be somewhat ambiguous because there are several 'managerial' reforms that are not addressed by NPM and therefore NPM is too general to refer to specific responses. In the broad trend of implementation of new managerial techniques, we see responses focused on measurable performance and marketisation – through contracting, privatization, or quango-ization, and on customer orientation. We have chosen below two specific cases of new ways of working between different government layers. The first case focuses on the measurement of performance of local government, whereas the second focuses on fiscal developments in Eastern Europe.

The UK's comprehensive area and Dutch government capacity assessment

The UK has long been a forerunner in the implementation of New Public Management instruments. Thus, at the local level they built on early NPM experiences to introduce Comprehensive Performance Assessment in 2001, which was based on a large set of quantitative measurable indicators. Because of this there was considerable criticism on the functioning of the assessment, such as the claim that it promotes strategic behaviour (Van den Dool *et al.*, 2009). Recently, the UK changed the assessment to a Comprehensive Area Assessment (Audit Commission, 2009) which includes other local assessments from an area and makes use of self-assessments. Furthermore, it is focused on outcomes and it will not give an overall score but only 'flag' exceptionally positive and negative cases. As previously was the case, positive assessments lead to a less tight grip from central government, whereas a negative assessment will lead to tighter control by central government.

In the Netherlands, Government Capacity Assessments have been less frequent and broader (including legitimacy and robustness as assessment categories). However, there was also critique on these assessments. They were too focused on internal government issues (Schutgens *et al.*,

2009) and they had a double agenda promoting municipal amalgamations (Herweijer, 1998). In 2008, work on a new way to measure performance started after several municipalities expressed interest in using a better method. This new method is an initiative of several municipalities and has not yet been implemented on a national level. A group of municipalities is needed for an assessment. The method starts by these municipalities making a self-assessment which includes several fixed items. This is followed by further research carried out by a team of researchers. The third step is a site visit by a committee comprising experts from all the participating municipalities under the guidance of a neutral (researcher) chairperson. Finally, a report with conclusions and recommendations is presented.

Fiscal developments in Eastern Europe

Many of the academic contributions regarding the development of (local) government in Eastern Europe take a fundamental stance: it revolves around countries working to create a set of solid and stable functioning democratic institutions. In recent years we can gradually see examples of experiences of Eastern European democracy (see examples of government-citizen relations in this paper). An interesting development in Eastern Europe is the level of fiscal (but also political) decentralisation, where countries such as Poland and Hungary are considered to be more decentralised than countries such as Romania and Slovakia (Dowley, 2006). Sub-nationalisation is especially interesting because it differs from the old decentralised ways of working. Nowadays in Poland, for instance, (Swianiewicz, forthcoming), sub-national investment spending equals about 68% of total government investment spending. In contrast, even though the share of own revenues on total revenues may be high in Romania, there is still uncertainty about the exact level of autonomy at the local level (Dobre, 2010). Fiscal and political decentralisation are often seen as ways to provide better services and combat corruption (Dowley, 2006), although there are people who question this assertion (Brueckner, 2000). The level of sub-national autonomy is thus linked, to a significant degree, to the development of democracies as a whole in Eastern Europe. Considering the wide variety of differences in

Eastern Europe this provides a very interesting case to study and debate.

3.4. DISCUSSION: GOVERNANCE AND GOVERNMENT SCALE

The geographical scale of government units plays an undeniable role in debates about the institutional redesign of Europe's sub-national government. However, whether the scale reforms being implemented also produce the intended results is questionable, especially since each societal issue has its own scale (Dahl and Tufte, 1973). Institutional reform grafted upon changes in geographical scale is not always able to incorporate this variety of scales of societal issues. The territorial organisation of political-executive units offers very little room for the differentiation required in a complex and plural society. In addition, there is no clear relation between the size of government units on the one hand and system capacity and citizen effectiveness on the other. For both, scale is not the most important factor (e.g. Goldsmith and Rose, 2002). In theory and practice, no clear relations exist between government scale on the one hand, and system capacity and citizen effectiveness on the other. Larger authorities are not by definition more effective, efficient or democratic. Hence, the explanatory power of size as a variable is very limited to say the least.

This may explain why many of the scale reforms that have been implemented in the past, have failed to reach their goals. Furthermore, these reforms very often have negative unintended effects. The unmistakable trend in Europe at present towards scale enlargement, for example, quite often has negative effects in terms of democratic legitimacy and citizen involvement (e.g. Frandsen, 2002; Rose, 2002; Ladner, 2002; Larsen, 2002). Although admittedly, not all international evidence on the effects of size points in the same direction (see e.g. Hoffmann-Martinot *et al.*, 1996). At the same time the envisioned advantages in terms of system capacity are not being realised. The effects of municipal amalgamations, for example, generally are not what was intended; certainly no indisputable economies of scale exist and transaction costs are high.

Furthermore, institutional reform alone does not guarantee success. One of the main problems of Copenhagen's former Hovedstadens Udviklingsråd (a metropolitan regional government body), for example, was that it remained a weak authority vis-à-vis local and national government (Anderson *et al.*, 2002). Likewise, the Greater London Authority case shows that institutional design indeed can be an important aspect of innovation, but that ways of working also deserve a substantial amount of attention because they influence how institutional changes work in practice (e.g. Greater London Authority, 2002). The question is therefore, whether the importance of scale is not being overestimated in the reform of Europe's sub-national government, because factors such as the institutional design of government-government and government-citizen relations and political-administrative factors are more important. Scale as such, is therefore less suitable as a starting point for institutional reform.

Changing the ways of working between and within governments may be a more promising solution. We see trends regarding performance and good governance, and trends regarding the right scale and governing across boundaries. The issues regarding the latter give rise to two debates. The first is, does a city have a future as a purely national entity – especially in border-areas – in the light of European regional developments. What does this mean for the relationship between a city and (supra)national governments? The second concerns transparency. It is good to see that there are solutions for problems without having to carry out large-scale reforms. However, to what extent does a wide variety of different institutions and regional co-operations lead to a lack of transparency, not only for citizens but also for politicians? Furthermore, what are the implications of this lack of transparency for the accountability and legitimacy of those politicians and their decisions?

The trends regarding performance and good governance also give rise to two debates. One debate regards the way to measure performance: is this to be something involuntarily and based on highly quantitative indicators, or are there better ways of measuring performance that can prevent strategic behaviour by government actors and give more balanced accounts that are also

relevant for citizens? The next issue regards the right level of (fiscal) autonomy of sub-national democracy. To what extent should national actors dominate local democracy and what are the effects of this relation (autonomy) on the democratic development of countries as a whole?

4. CHALLENGES TO SUB-NATIONAL GOVERNMENT

The ambition in this article was to give a comprehensive overview of interesting innovations that aim to solve some of the problems in Europe's (mainly Western Europe's) sub-national government. We based this overview on several comparative studies regarding local and regional governance and democracy. Those studies taught us, that the gaps between the various government systems have narrowed in recent decades. Two general trends and approaches were then theoretically discussed and illustrated with examples of concrete innovations throughout Europe. The first topic was the contested nature of traditional representative democracy and the changing relations between government, civil society and citizens. The second was 'governance' and 'government scale'. A distinction was made between innovative structural reforms and new ways of functioning in existing institutional settings.

The previous sections we concluded with a number of discussions. Taking them a little further we now formulate some challenges to sub-national government.

Firstly, we conclude that improvements are possible and necessary in the relationships between citizens and government. One major problem is the overestimated value of the representative democracy model as a way of dealing with all democracy issues. Political primacy is not the prerogative of elected politicians, but of society as a whole. Within the context of representation as the backbone of democracy, additional democratic models (participative, associational, or direct democracy) may provide challenging possibilities to innovate sub-national democracy, alongside the enhancement of representative democracy as such. We have to admit, however, that the practices of such innovations do not in all cases convincingly result in the desired effects.

We observe positive effects of direct mayoral elections and referenda, such as enhanced leadership and accountability. Changes in the electoral system (as in many German Länder) somewhat disappointingly do not lead to the intended higher voter turnouts. Citizens' participation is a developing and challenging practice in many countries, with varying results. It seems to function better in a context of a democratic tradition, provided that the authorities thoroughly considered and understood the changing roles of elected bodies such as local councils.

Secondly, institutional reforms of sub-national government are not as effective as assumed, especially scale enlargements such as amalgamations. Many factors affect governmental performance and efficiency, among which 'scale' is only a minor one. Scale enlargement does affect democratic legitimacy but mainly in a negative way. The search for alternative ways to solve scale difficulties promises more results. Serious decentralisation and co-operation between

sub-national authorities really strengthens governing capabilities and provides more flexible structures and ways of working. Here too there is a caveat; authorities need to seriously pay attention to the democratic quality and transparency of co-operative bodies, as well as to their own capacities to deal with many different bodies with different jurisdictions. Attention should be paid to new ways of evaluating performance measurement.

Thirdly, and finally, we briefly address the human resources aspect. The interplay of various developments and requirements of modern government may be rather daunting for some public officials. Governing nowadays means networking with different kinds of citizens, working with organisations from the civil society, local and sometimes even global enterprises, various kinds of authorities, in an uncertain context. This poses a challenge, a challenge which is best perceived as a joint challenge for governments and academic scholars alike.

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