

Chapter 3

Concept and Role of Local Self-Government in the Contemporary State

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ABSTRACT

In this study the key features of local self-government in the contemporary state will be analyzed and will be focused on European systems of local governance and particularly on Austria, Belgium, Czech Republic, France, Germany, Greece, Hungary, Italy, Poland, Sweden, Spain, The Netherlands and the UK. In this context the European Union will be referenced as an additional layer of governance above the state. In addition to a legal perspective, suggestions coming from other disciplines will be used such as, sociology, philosophy and especially political science. Main argument in this text is that a system of governance which includes strong local decentralisation is a good system of government fulfilling fundamental goals of constitutionalism.

INTRODUCTION

In this study I will analyse the key features of local self-government in the contemporary European state. I will focus on European systems of local governance and particularly on Austria, Belgium, Czech Republic, France, Germany, Greece, Hungary, Italy, Poland, Sweden, Spain, The Netherlands and the UK (cf. Table 1). In this context I will also make reference to the European Union, which is an additional layer of governance above the state. I will adopt a primarily legal perspective, but will also use insights originating in other disciplines, such as sociology, philosophy, and especially political science. I will argue that a system of governance which includes strong local decentralisation is a good system of government fulfilling fundamental goals of constitutionalism.

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Table 1. The tiers of government¹³⁹

Country	Constitutional Setting	National Level	Regional Level	Local Level
Austria	Federal state	Federation (<i>Bund</i>)	9 Provinces (<i>Länder</i>)	2,357 Municipalities (<i>Gemeinden</i>): • 15 cities with their own statutes (<i>Statutarstädte</i> , including Vienna) • 200 towns (<i>Stadtgemeinden</i>) • 762 markets (<i>Marktgemeinden</i>) • 1,395 villages (<i>Ortsgemeinden</i>)
Belgium	Federal state	Federal State (<i>Etat federal, federale staat</i>)	3 Regions (<i>régions, Gewesten</i>) 3 Communities (<i>communautés, Gemeenschappen</i>)	589 Municipalities (<i>communes, gemeenten</i>) 10 Provinces (<i>provinces, provincies</i>)
Czech Republic	Decentralised unitary state	State	14 Regions, including the metropolis of Prague	6,248 Municipalities (<i>obce</i>)
France	Unitary, decentralised state	State	26 Regions (<i>régions</i>)	36,683 Communes (<i>communes</i>) 101 Departments (<i>départements</i>)
Germany	Federal state	Federation (<i>Bund</i>)	Federal states (<i>Länder</i>)	11,252 Municipalities (<i>Gemeinden</i>), including 110 Urban Districts (<i>kreisfreie Gemeinden</i> or <i>Stadtkreise</i> ; including the city states Berlin, Hamburg, Bremen) 295 Rural Districts (<i>Kreise</i> or <i>Landkreise</i> , none in Berlin, Hamburg, Bremen)
Greece	Unitary, decentralized state with local self-government	State	13 Regions (periferies)	325 Municipalities (<i>dimoi</i>)
Italy	'Polycentric' state, that is, unitary, decentralised state with regional and local autonomy	State	20 Regions (<i>regioni</i>) and the 2 Autonomous Provinces of Trento and Bolzano (<i>province autonome</i>)	C.ca 8,000 Municipalities (<i>comuni</i>) 107 Provinces (<i>province</i>) (Metropolitan Cities have been introduced in 1990 but not established)
Hungary	Unitary state with regional and local autonomy	State	19 Counties (<i>megyék</i>)	3,175 Municipalities: • 1 Capital city (<i>főváros</i>) • 23 Capital Districts (<i>kerületek</i>) • 23 Towns with county rights (<i>megyei jogú városok</i>) • 304 Towns (<i>városok</i>) • 2,824 Communes (<i>községek</i>)
The Netherlands	Unitary, decentralised state	State (Central Government, <i>Rijk</i>)	12 Provinces (<i>provincies</i>)	415 Municipalities (<i>gemeenten</i>)
Poland	Unitary, decentralised state	State	16 Provinces (<i>voivodships</i>)	2,500 Communes (<i>gmina</i>): • 300 town-communes • Over 500 town-rural communes • 1,600 rural communes • 314 Districts (<i>powiat</i>) • 66 Cities with at least 100,000 inhabitants (with district status)
Spain	Autonomic state	State (<i>Estado</i>)	17 Self-governing Communities (<i>Comunidades Autónomas</i>)	8,115 Municipalities (<i>municipios</i>) 50 Provinces (<i>provincias</i>)

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