

DEVELOPMENT AND CURRENT STATE OF LOCAL GOVERNMENT SYSTEMS IN THE SELECTED POST-COMMUNIST COUNTRIES

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***Abstract:** Since the fall of the Communist parties' regimes, the Central/South-East Europe countries have, inter alia, tried to reorganize their local government systems in the manner that would be closer to democratic principles or principles that were accepted in so called Western Europe. A comparative analysis of this article is focused on local government systems which have been introduced in the Czech Republic, FYR of Macedonia, Slovakia and Slovenia and, within this context, especially on positions of the political representatives, who are elected at the local levels in these countries. Due to similar socio-political and economic history of these countries in the 20th century as well as due to their efforts to become members of the European Union, it is possible to assume that they have introduced similar local government systems. However, as stressed in the article, similar ideas and comparable ways of their implementation may produce different outcomes in different environments. Thus, despite the fact that the processes, which should lead to their achievement, were often supported by various international organizations and despite a manifested desire of the selected countries to join the EU, they have introduced significantly different local government systems.*

***Keywords:** Local government, Decentralization, Czech Republic, FYR of Macedonia, Slovakia, Slovenia.*

***JEL Classification:** H77, Z18.*

Introduction

Post-communist countries are often used as a denomination for a group of countries which experienced similar recent history, and which are often understood as countries with more general similarities than it is true. But transition period has showed that despite common ideas their paths have differed a lot [45].

Several international classifications aimed at the local government systems or related issues were elaborated after 1989 but they either put the CEE countries into one group or were not concerned with the CEE countries at all [12, 17, 21, 22, 23, 25, 36, 40, 43, 57]. Since the renewal of the local governments in the CEE countries was accompanied by significant “pressure” from foreign or transnational institutions (e.g. EU, OECD) and intensive recommendations from the side of mainly “Western” experts, one may expect that the used policy principles and expected outcomes of the decentralization and reform processes should be similar [11]. Despite the fact that we are not denying some general similarities between these countries, our main goal is to show that there are significant differences which cannot be overseen. The CEE countries have gone through some very important changes in a relatively short period since 1989 [31, 51]. In order to support the thesis that the CEE countries are significantly different from each other, we are comparing four different post-communist countries in terms of both developments and current states of their local self-government systems. We based our focus on the fact that an introduction

of pluralist democratic governments at the national level led in all CEE countries to an immediate demand for a parallel reform in local administration [16]. Although all selected countries have been/are following similar goals, we would like to show that implementation of these ideas produced completely different results.

1 Statement of a problem

Decentralization, according to different authors can help governments to balance regional development, improve local policy making processes, empower communities or some other decentralized units, as well as mobilize more resources, for example private resources [50]. Decentralization, especially delegation, devolution, and privatization, requires extensive institutional development and managerial capacity-building at local levels in both the public and private sectors [40, 50]. Since the mid-1990s approximately 80 % of all countries have implemented some form of decentralization [14].

According to Adams, countries of Central/South and Eastern Europe have introduced various polities (including local government systems) into action, and with reference to the present time, there are considerable differences concerning the autonomy and performance of local governments, i.e. not only between Western European and the CEE countries but also in between the CEE countries [10].

Next to strong need for decentralization which was politically and “technically” motivated, the reform/transition demanded also change of mentality of polity institutions. However, in order to provide adequate results it was necessary to re-set the local political systems. Countries mainly leaned on New Public Management (NPM) paradigm, since it was realized that classic bureaucracy based public management [48], failed in terms of meeting its goals and significantly endangered public finances [18, 37, 49]. There are some basic principles that are usually understood as core of the NPM, e.g. transfer of private management instruments into sphere of public management and administration; management culture aimed at customers and their needs; transparent resource allocation; effectiveness; introducing of alternative public services delivery; subsidiarity (e.g. [32, 35, 42, 46]). Their combination should lead to higher efficiency of public services delivery and to higher accountability of public authorities as well as to cutting the public expenditures on replaceable public goods (e.g. [44]). Despite the existence of all possibilities, many post-communist countries were not adequately prepared for its implementation not only from institutional perspective but often also from perspective of human resources as well as in the sense of administrative culture. The reforms often have not resulted in promised expectations [19, 39, 52], and the countries have often finished just with new institutional settings without introducing significantly qualitative changes.

2 Methods

We provide a comparative analysis and use relevant examples from four post-communist countries – namely the Czech Republic (CZ), the FYR of Macedonia (MK), Slovakia (SK), and Slovenia (SI). All of them share communist past, but at the same time previous Czechoslovakia had different (more repressive regime) than former Yugoslavia. Each of them was part of some federation in the second half of the 20th century but in the end of the 20th century they decided for independency, and each of them is a unitary state nowadays. In terms of international politics, all of them with exception of MK joined the EU in 2004. At the same time MK is considered South-Eastern European country while other three belong to the CEE group (although some authors used to put Slovenia also to

Balkan or SEE group). Therefore, two assumptions could be expected if one counts on similarities: 1) SI, SK and CZ should show more similarities on the basis of being the CEE countries and the members of the EU at the same time; 2) taking into account potential path dependency and existence of former Czechoslovakia as well as Yugoslavia, SK and CZ should be closer to each other in comparison with either SI or MK, and, vice versa, SI and MK are closer to each other in comparison with either SK or CZ.

In order to refuse these assumptions, we are comparing several selected features of the local self-government systems of four post-communist countries and trying to identify main differences as well as commonalities. Concerning the abovementioned features, we are focused on: 1) renewal of local self-government and developments of territorial structures, 2) decentralization intensity (level), 3) systems of local elections, and 4) positions of both mayors and local councils within the local government system. An analysis of relevant legal provisions and secondary empirical data related to these features are utilized. Besides, both supporting and opposing statements of other authors are used in order to discuss our findings and to contribute to relevant academic discourse.

3 Problem solving

The CEE countries began their transitions with a wide variation of initial conditions because they had different historical and cultural legacies, geography, economic and social structures, experience with central planning and market reforms etc. [39, 56]. Although they experienced also a “common communist past”, one can find significant differences in many areas.

3.1 Development of local self-government after 1989/1990

Despite the fact that number of local self-government units seems to be non-relevant information, history of changes can show some tendencies in individual countries. Within this context, nowadays there are 85 municipalities in MK. Present number of the Macedonian municipalities differs a lot from the overall numbers of these municipalities in the previous years. In 1995, the overall number increased from 30 to 123, and then, in 2004, this number was reduced to 85 [33]. In SK, there were 2,694 municipalities in 1989 but this number increased up to 2,890 municipalities in recent times [28]. In SI, municipalities were created as a product of local communities fighting for sufficient financial shares, which would allow development of a particular area. Since 1992 one can observe the fragmentation of municipalities from the original 63 to 212 in 2013 [47]. A fragmentation wave was experienced by CZ as well. While in 1989 there were 4,120 municipalities, on present there are approximately 6,250 municipalities located on its territory [28].

If we compare the selected countries in terms of their municipal size structure, we can see the following differences: MK belongs to territorially consolidated countries and it has the biggest municipalities (in average 24,000 inhabitants and 300 km²) among the compared countries. SI can be considered slightly consolidated country where, average municipality has still more than 9,500 inhabitants and approximately 95 km². On the other hand, SK belongs to the most fragmented European countries. The average population size of municipality in SK is only 1,870 inhabitants and in terms of area size, the average municipality has ca 17 km². Even worse situation is in the case of CZ where almost 80 % of all municipalities have less than 1,000 inhabitants. The average municipality has 1,650 residents and just 13 km² [15, 28].

3.2 Decentralization processes in the selected countries

As we mentioned before, decentralization is one of the main directions of change in new democracies that emerged after fall of communist regimes in Europe [53]. However, different countries had different approach to decentralization [54]. For instance, while CZ, SI and SK experienced increasing number of municipalities in the last two decades, MK after initial increase of municipalities in early 1990s reduced their total number. The most intensive fragmentation wave after 1989/1990 was experienced by SI, and within this context one can expect a high level of decentralization especially there. But reality is different because there was almost no considerable transfer of the state competences to the local level in SI [24, 47].

MK centralized most local government competencies, except of local services such as water supply, solid waste management etc. The competencies were taken from all 30 local governments and the country adopted a unitary political organization. This very centralized path was followed by decentralization reform in 1995 [55], and the numbers of local governments become approximately four times bigger than before. However, these new units disposed with very limited competencies, and they were dependent on state financial transfers. Therefore, after the end of hostilities in 2001, creation of new local self-government system that represents all the citizens and ethnic communities who equally live on the territory of MK became one of the highest priorities supported by the desire to enter the EU as fast as possible. Overall number of the local governments was consolidated to 85 units, and the main, newly introduced features were: transfer of the authority from central to local level; fiscal decentralization; new territorial organization; and strengthening the local governments' capacities.

In SK, the municipalities obtained a self-government status in 1990 and their prime function became an execution of public affairs in the extent that was not belonging to the state administration issues [2]. By this way the municipalities became fully-fledged actors of policy making on a local level. Concerning the competences, the most important competences were transferred from state to the municipalities in 1990 and then in the period from 2002-2004 [3, 4, 30]. Besides own finances, the municipalities in SK are responsible for local health care, urban planning, local environment protection, local infrastructure, local education etc. Although fiscal decentralization was introduced in 2005, its impact was rather questionable due to highly fragmented municipalities and their insufficient capacities. One has to keep in mind that there are no differences between the Slovak municipalities in terms of their competences [29].

Despite the significant fragmentation in the Slovenian conditions, decentralization processes in SI according to allocation of competences was stopped and we cannot talk about any deep decentralization in SI [34]. As we mentioned before, territorial crumbling is not decentralization as long as all powers stay at the state level. So far the state level of SI did not transfer any of its own competences to the local level [47]. In this sense the local governments are only executors of certain state activities in local environment, or they elaborate on local development plan on the basis of the state development plan. In none of the cases the local governments have any (significant) freedom in local policies. The local governments are not able to introduce their own taxes or fees other than agreed by the state or those which can be introduced on the basis of legally binding tasks. In this context, the local governments can mainly decide if they impose certain fine (e.g. parking, speeding) and they can decide if and at which level they want to collect certain fees (e.g. parking, use of land). Waste disposal and sewage system can be locally organized but are not

under direct control of the local governments and revenues are not municipal budget revenues [9, 41].

Local government system was re-established in CZ in 1990. The municipalities became again administrative, political and economic entities. The local governments are responsible for delivery of a number of services – both obligatory (e.g. maintenance of local roads, provision of educational services, social services, health services, waste management, water supply, public transport) and voluntary services (e.g. cultural services, maintenance of recreational facilities), and the decentralization level is quite high [5, 6].

3.3 Institutional arrangement of local self-government

In all four compared countries main municipal representatives are mayors and municipal councilors. In general one can say that number of municipal councilors vary from 3 to 55 (Table 1). In all the cases number of municipal councilors is connected to the number of voters in the municipality and they are elected through direct, equal election by secret ballot. In this manner only MK has exception in the case of Skopje where abovementioned principle is valid only for 25 out of 39 municipal councilors, while rest of them are delegated by the municipal councils created within territory of the city of Skopje. There are also different approaches to define number of municipal councilors, from strict centralized definition of number by the national legislator (MK), to semi-open definition in SI where only maximal numbers of municipal councilors are defined for municipal size classes (in comparison with this legal provision, there are legally defined minimal and maximal numbers of municipal councilors for every municipal size class in SK and CZ).

In MK a list of candidates may be nominated either by the officially registered political parties or by groups of at least 200 citizens. The voters vote for lists of candidates within a closed list proportional voting according to the D'Hondt method. In CZ, there is a difference between political parties and electoral parties. Voters have the right either to vote for a list of candidates or to choose and combine candidates listed at any list or individual candidates that have been officially submitted and registered. A free list proportional electoral system according to the D'Hondt method is utilized. Within municipal council election a majoritarian electoral system with multi-mandated electoral districts and relative majority is utilized in SK. In SI there are two different electoral systems utilized. If the municipal council has no more than 12 councilors, than single majority rule is applied, and the voters dispose with as many votes as is the number of elected councilors. If municipal council has more than 12 councilors, an open list proportional electoral system according to the D'Hondt method is used. Utilization of the D'Hondt method is interesting in these countries because it usually slightly favors the larger electoral competitors (e.g. national parties or coalitions of such parties which are able to attract many voters also at the local level) [20]. This is visible for instance in SI, where most of the councilors represent either the large political parties or various broad coalitions. On the other hand, majoritarian system may open “space” for more independent candidates, and again, we can use SI as an example, because there is a direct majoritarian mayoral electoral system, and independent candidates are more successful than their competitors affiliated with various political parties. However, experience of the selected countries has shown us also different impacts. While in SK, where a majoritarian electoral system is used, the party candidates dominate in local politics, CZ, where a free list proportional electoral system according to the D'Hondt method is used, is an extreme case in terms of successfulness of independent (non-party) candidates or candidates of various local parties. It seems that despite their national insignificance, the lists of such independent candidates or local parties

have a potential to attract high numbers of eligible voters in relevant localities (or even municipalities) in CZ.

Tab. 1: City councilors in selected countries

Country	Number of councilors	Definition of the number	Right to change the number
CZ	5-55 (55-70 in Prague)	Size classes and min-max-limits of overall numbers defined by law; exact number defined by local act	National Parliament (law) Municipal council (local act)
MK	13-25 (39 in Skopje)	Exact numbers defined by the law	National Parliament (law)
SK	3-41 (41 in Košice; 45 in Bratislava)	Size classes and min-max-limits of overall numbers defined by law; exact number defined by local act	National parliament (law) Municipal council (local act)
SI	7-45	Size classes and max-limits for overall numbers defined by law; exact number defined by local act	National parliament (law) Municipal council (local act)

Source: [1, 2, 3, 4, 5, 6, 7, 8, 9, 13]

The mayors are also elected on different basis in the compared countries (Table 2). In MK the nomination may be done either by the officially registered political party or by group of at least 200 citizens and two-round model of majority electoral system is applied. The mayor is elected by majority vote in first round if one third of registered voters participate in the election. If this is not the case, the second round is held for two candidates who obtained the highest number of all votes in the first round. In both cases winner needs to get simple majority of votes. In SI, mayor can be party candidate or independent candidate with support of the voters (in this case 2 % of municipality electorate that voted at previous local election need to express written support to the candidate but in any case not less than 15 and not more 2,500 signatures are needed). Mayors are elected on the basis of the absolute majority. If none of the candidates reaches threshold of 50 %+1 vote, in second round first two candidates run for the position. If in the second round same 50-50 % of votes are reached, winner is selected by random pick. The mayors are elected directly by the municipal residents also in SK. A simple majority electoral system is utilized. If two or more candidates with the highest number of valid votes obtain the same numbers of the votes, electoral draw is organized in order to determine the winner. CZ is exceptional in this group of countries because the mayors are elected by and responsible to the municipal councils. However, a fashion of direct mayoral election had influenced also CZ and this possibility was evaluated by the central government recently [26, 27].

Tab. 2: Mayors in selected countries

Country	Nominations	Electoral system	Type of election	Recall of mayor
CZ	Indirect election by municipal council	Absolute majority within the municipal council	Indirect	Municipal council
MK	Political party or at least 200 voters in municipality	Simple majority with two round system (specific threshold limit)	Direct	Voters (threshold required)
SK	Political parties or 10-600 voters (depends on municipal size class)	Simple majority (no threshold)	Direct	Voters (threshold required)
SI	Political party or 15-2,500 voters (depends on municipal size class)	Absolute majority in the first round and if not reached two the most successful candidates from the first round take part in the second round	Direct	Parliament on proposal of the central government (just in the case of illegal behavior)

Source: [1, 2, 3, 4, 5, 6, 7, 8, 9, 13]

Concerning the main features linked to the relations between the mayors and municipal councils in the compared countries, they are displayed in the Table 3 (Annex 1). These features show even more differences between the compared countries.

4 Discussion and conclusion

When discussing about the similarities between selected countries, one should take into account historical and ideological reality. First, SK and CZ were under strong centralist repression during the communist era, while both former Yugoslav countries belonged to the milder version of communism that was less repressive and less centralist in first place. Within former Czechoslovakia, SK was more repressed than CZ as well as MK had higher level of subordination to central government of former Yugoslavia than SI. At the same time Yugoslavia was more decentralized than Czechoslovakia. In this manner, one can say that in the communist period SI had highest amount of “freedom” in local self-government and SK the lowest. Since the fall of the communist regimes, SI has introduced no fiscal decentralization, territorial fragmentation has been increased by 280%, executive power at the local level has strongest policy-making role, and in some cases the central government and parliament have right to interfere into local issues (even in the cases such as dismissal of the legally elected mayor). On the other hand, SK has implemented a huge devolution, it has introduced certain level of fiscal decentralization, inhabitants have at least theoretical power to recall their mayors, territorial fragmentation was the lowest within the compared group of countries etc. From this perspective it is possible to state that the country, which enjoyed the highest “freedom” in the communist past, has not continued in improving of local autonomy since the collapse of the previous regime. On the contrary, the country, where the local administration was under strong subordination from the state level during the previous regime, has been rather open for decentralization and more autonomy for local governments. Nowadays, SK is considered strongly decentralized country, while in the case of decentralization level in SI one must be skeptical.

Although there are some commonalities between the compared countries, there is always some exception which makes a clear difference within the group of these countries. For instance, despite the fact that there have been an intensive discussion on too high level of fragmentation in CZ, SK and partly also in SI, MK is the only one from compared countries which has already implemented a territorial consolidation. If one compares the countries from perspective of directness of mayoral elections, all these countries with the exception of the CZ use direct election of mayors. While in all compared countries it is possible to recall the mayor, SI is the only case where such a procedure is allowed exclusively in the case of breaking the law (i.e. when mayor behaves illegally). Moreover, the SI case is the only one where national stakeholders (i.e. parliament and central government) take part in the local politics in a way that they are entitled to recall some municipal body. If one looks at the elections of local councilors, in all these countries the proportional electoral systems are used. However, SK and small municipalities in SI are exceptions, since majoritarian electoral systems have been introduced there. In addition, a comparison of numbers of the councilors may lead us to a conclusion that in all countries the legal provisions set the limits but the councils dispose with right to decide on final numbers within the mentioned limits. MK is an exception from this perspective because relevant legal provisions set the exact numbers of the councilors and the councils have no possibility to change these numbers. And the last but not least, a strong mayor for has been introduced in MK, SI and SK at the local level. On the other hand, mayors in CZ are rather weak and they depend a lot on other municipal bodies. However, while the mayors call for sessions of the municipal councils not only in SK and SI but also CZ, the mayors in MK do not dispose with this right and the sessions are called by the presidents of the municipal councils there.

Taking into consideration previously mentioned differences we can conclude with the argument that despite the existence of commonalities within the group of post-communist countries, there are significant differences. Obviously, we are aware of the fact that there are many other potential features which have not been objects of our comparative analysis. From this point of view, our conclusion is limited, and, within this context, a further research is needed.

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Annex 1

Tab. 3: Relations between the mayors and municipal councils in selected countries

Country	Legislative initiative (right to propose local acts)	Right to approve local acts or decrees	Calls for sessions of municipal council	Responsibility for implementation of decisions made by local council	Mayor's right to stop implementation of local council's decision	Relationship within local government
CZ	Municipal councilors, mayor and municipal board	Municipal council (acts) and municipal board (decrees)	Mayor	Mayor, municipal board and chief administrative officer	If local act is incorrect /*it is not specified by law what incorrectness means	Municipal council is the strongest body and municipal board plays significant role
MK	Municipal councilors and mayor	Municipal council	President of the council	Mayor	If local act do not comply with the Constitution or law	Mayor is the strongest body
SK	Municipal councilor and mayor	Municipal council	Mayor	Mayor, municipal board and chief administrative officer	If local act do not comply with the Constitution or law or if the act is from mayor's point of view disadvantageous for the municipality /*it is not specified by law what disadvantageous means	Mayor is the strongest body
SI	Mayor	Municipal council	Mayor	Mayor	If local act do not comply with the Constitution, law or other local acts that are already in power	Mayor is the strongest body

Source: [1, 2, 3, 4, 5, 6, 7, 8, 9, 13]