

SOURCE ASPECTS IN THE REFORM OF LOCAL SELF-GOVERNMENT IN SLOVAK REPUBLIC

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***Abstract:** To the basic principles of democratic state administration belongs administration of public affairs, what underlines importance of public administration in the modern state. Functions of the state are performed by the public administration in all spheres of society life. It has an important role in application of laws, including adoption of legislation, organizational activities, and ensuring public services. It also provides broad institutional tools of citizen participation in administrative processes at the local, regional or central level. In Slovakia is applied dual model of public administration, which consists of state and self-governing element. In our article, we focus on self-government part of the public administration, local self-government and its specifics, which resulted from management system applied on this level. It is concerning the element, which is very close to citizens, because it is a part of public administration that generally deals with issues of local or regional importance.*

***Keywords:** Public administration, Local self-government, Regional self-government, Settlement structure, Citizen participation, Decentralization, Consolidation, Municipality reform.*

***JEL Classification:** H11, H76.*

Introduction

There cannot be doubts about importance of public governance and therefore public administration represents important part of modern state. Functions of state are implemented through public administration in all levels of society, as close as possible to citizens. In this article, we will take focus on settlement structure, particularly to lowest level of local self-government in Central European countries. We will concentrate primarily on possibilities of improvement in this level of local self-government in Slovak republic. Lowest local level of self-governing territorial organization is in individual countries characterized by certain specifics. Therefore it is desirable to compare systems of local self-governments, applied in individual countries, and to sort out assets, which can be applied in other countries. To eliminate deficiencies in local self-governments and to achieve optimal functionality of this part of governance, at least we should get inspired by countries which models of local self-government are considered as effective. In Slovak republic, a municipal reform is often mentioned within this context. Not only specialists, but also politics are concerned by this issue. Municipal reform is perceived as an impulse to closer cooperation of municipalities. The purpose of these steps is to improve quality of public governance on the lowest level of administration and to bring authorities of this administration closer to citizens.

1 Formulation of issue

Current situation in local self-government in Slovakia is not optimal, because it is permanently part of a debate on reform, in field of regional and municipal government. These components, which are part of the public administration, carry out citizens' needs.

"Management of self-government is directly related to performance and efficiency of services, which are provided to citizens" [9, p. 155] This issue affects whole society.

Problems on municipal level are connected with regional level, because it is a linked complex of processes of self-governing authorities which are together connected. Therefore it is necessary to consider the changes in regional and also in municipal levels, because current situation becomes too fragmented, which has negative impact on mentioned levels.

1.1 Principle of decentralization and its importance for development of local self-government

After the end of WW2 in individual countries started changes within political systems and functioning of public administration. Especially in western countries arose a re-evaluation of administration perception. As a result, issue of public administration functioning came into focus, particularly from the view of municipal structure fragmentation. At the turn of the seventies and eighties of the 20th century¹, in Europe emerged tendencies aimed to reform public administration. Their main focus was to weaken centrist concept of public administration, and transition to pluralistic concepts. These concepts established trend of involvement into public policies and providing public services of participants, which are situated outside the institution of the government. At the same time began the transfer of greater scope of competence to the lower units of public administration. Until this time, the main power was centralized to state administration.

The situation changed, when existing key process of national states formation in the form of centralization was subjected to doubts and was replaced by contradictory tendencies. Side effect in the context of these new trends in governance was decentralization, which resulted in an increase of the transfer of powers to lower levels of local self-government [8]. This trend is emphasized by Bernard: „political authorities shall give up a part of its powers to supranational bodies and various types of local and regional authorities and agencies“ [3, p. 40]. These trends, which occurs at the expense of strengthening the central government, determines Rhodes by term “hollowing out”, what can be described as a limitation of the state role [24]. With this conception of governance, however, disagrees Kooiman, according whom it is appropriate to consider "only" shifting role of government instead of reducing its role. He does not consider traditional government interventions as obsolete, but on the other hand, he points to the rising awareness of the boundaries of traditional government intervention, regulation and control [16]. The decentralization process has increasing importance. This fact is underlined by Hendrych, who defines some important organizational principles that are used in the context of the organization's administrative and political systems. Already mentioned principles consider decentralization respectively its principle. Except that, there belongs principle of centralization, the territorial principle, the operating principle, the principle of concentration and deconcentration, collegiate principle, monocratic principle, the electoral principle, the spacer principle and the principle of subsidiarity.

Basically, decentralization represents a transfer of public power to lower than central areas, which means the transfer of independence in decision-making to local authority units. It means that this is an important factor in the process of construction of public administration in each country. Decentralization is universally defined as a process which

¹ Public administration reform, highlighting the status of regional government was put into motion as a result of the widening of European integration. We describe a landmark to 1986 and an approval of international treaty Single European Act [4].

“improves the quality of governance in the country by ensuring that decision-making is closer to those who are affected by it” [19, p. 4]. Its common feature is the basic approach consisting transfer of "power to the sub-central level of the state" [22, p. 8]. It does not represent only a process of shifting political level from central to a lower, but also the production of democratic decision-making bodies at the sub-national level. It shifts political arrangement closer to the ideal of democracy. In terms of the volume and type of transferred powers in the decentralization process, which can be varied, for example, we can distinguish process of administrative deconcentration, for which is specific the transfer of administrative responsibilities [29], process of devolution, which means the transfer of legislative powers and is often described as the most extreme form of decentralization [29], political decentralization, which brings an increase in jurisdiction by sub-national units and increasing their sovereignty while trying to increase the citizen participation and their elected representatives in public affairs [17, 29] or other processes such as: fiscal decentralization, market decentralization, deconcentration and others [17]. Decentralization can be often seen at redistribution of financial sources to lower levels. This case is the fiscal decentralization [18].

Reasons to decentralize public powers can vary. There exist many supporting arguments, but also arguments which point to the risks of powers transfer to lower municipal levels. One of the positive arguments is based on the fact that the decentralization of public authorities at local and also regional level, force public sector in a decentralized system presented by local regional government, to be more responsive to local and regional interests of population. Important economic argument for decentralization is efficiency increase of resource allocation, which means that produced goods and services reflect at best the preferences of citizens belonging to the corresponding region. That means that the decision-makers, coming from local or regional environment, are familiar with these conditions in shaping public policy. On the other hand, it is often emphasized that "decentralization may cause a discrepancy between the financial resources and technical skills which are necessary for its implementation" [10, p. 11]. The success of decentralization is mutually conditioned by several factors and is closely linked with the determination of the proper boundary between decentralization and centralization. However, generally is applicable state in which each task should be carried out by level of public administration that is the most efficient and most economical. Excessive centralization causes a decrease in flexibility of responses to problems. Here, we can argue that decentralization is important, whether it is political, which shift political power to the sub-central level, as well as the decentralization of competence, which redistributes responsibilities and competencies to individual levels of public administration and fulfills mentioned requirement.

These tendencies has important role after WW2 in the countries belonging to the Soviet sphere. Centralization tendencies were typical for these countries, and also strengthening the role of the state and the state apparatus at the expense of self-governing units. After the revolutions' period in late nineties, decentralization tendencies appeared in these countries, reinforced with the increasing interest to join multinational organizations, especially the European Union.

2 Methods

In this article, we deal with the source aspects of local self-government reform in the Slovak Republic. The aim of article is to analyze importance and necessity of reforms

on local self-government level together with analysis of the impact effects on the further development of the regions. Methodical instructions were subordinated to our goal. In article were used logical-cognitive methods, which included comparison.

3 Problem analysis

3.1 Importance of consolidation reforms for the functioning of local self-government from a theoretical view

As a consequence of the decentralization tendencies, local authority units that previously belonged to the influence of state apparatus began to perform many functions, particularly at the municipal level. In this context arose the problem of excessive fragmentation, while several countries have coped with this problem by consolidation reforms.

Size of municipal structures has a significant influence on the whole system, not only in case of local authorities, but also on public administration as a whole. It also has an impact on layout of functions and form of relations between the central and local government [21]. In evaluation of direction (fragmentation or consolidation), we take into account the factor of economic efficiency, democracy, economic development and distribution [25]. Although from an economic point of view, the consolidation is favored. When comparing various criteria, it is not possible to identify the advantage and disadvantage of fragmentation.

Advantage of big self-governments and unification is the fact that they can offer space for realization of public on the policy at the local self-government level, what increased public interest in development at that level. This leads to the involvement of better candidates in municipal elections; while with the size of the office also grows prestige and power [11]. Larger units allow enabling more considerable support for local economic development and also offering more opportunities to create a strong civil society. Advantage of large self-governments can be increase of the tasks' efficiency, service quality improvement, as large municipal units can provide services beyond the capabilities of smaller municipalities and therefore the performance of tasks will be more professional. It means that large municipalities have greater opportunities to offer citizens all required services. As a result, larger municipalities can make better decisions on effective solutions, while larger municipalities have plenty of resources can use in claims of voters [20]. In large municipalities, the views of pluralistic society are pushed through more significantly and also there is much more developed party system. Finally, representation of different minority groups appears better in larger units, which are characterized by a greater degree of liberalization and also by acceptance of otherness. [25]. On the other hand, there are also arguments, which strengthen smaller municipalities or more precisely territorial fragmentation. One of the basic arguments for smaller units is that they are closer to citizens and their representatives. As a result, representatives have greater responsibility to public. Usually, the political participation of citizens in small communities is higher than in large ones. This is related to a sense of belonging, in comparison to lowest territorial self-government unit with regional governments consequently with the state [20]. Another fact is the greater homogeneity of small autonomous units at the lowest level, which ensures easier application of policies that satisfy the interests of a large number of people. In smaller territorial units, the participation of citizens in local politics is intensified, because it significantly influences the political process. A big advantage for small self-governments is that they are less bureaucratic. Fragmentation should lead to natural competition between the smaller self-government units in order to obtain capital. [25] As mentioned above,

the fragmentation as well as the consolidation of local self-government has its own advantages and disadvantages and it is not clearly determinable, which of these procedures is more favorable. D. Klimovský, commenting on the advantages of consolidation and fragmentation, indicates that, "although economic considerations favor the consolidation (or defragmented) structures, several sociological studies show a strong identification of municipalities inhabitants with settlement units and their results confirm significance of maintaining fragmented structures" [13, p. 183]. If municipalities are very small, it has a negative impact on the implementation of difficult projects and on services for citizens, as they do not have sufficient economic, organizational or human resources. In most European countries after World War II, there began process of creating large units, because small municipalities did not function suitably. Consolidation, respectively creation of larger territorial units was justified by better communication, social mobility, and also by technological development at the municipal level. Usually, the solutions to these problems are voluntary cooperation between municipalities, the establishment of common offices or merging of municipalities [13].

3.2 Local structure of the Slovak Republic in terms of population size in the context of Central Europe countries

In the last fifty years, the consolidation tendencies are typical for many countries in Europe. Especially in Western European and Nordic countries there has been a decline in number of municipalities², while in some countries to a greater or less extent. We focus on countries situated in the central European area, where consolidation process is characteristic even during the non-democratic regime. Before we will present the current state of the urban structure in the individual CEE countries, it is important to say that the network of municipalities can not be automatically put together with a local residential structure, because the municipalities represent authorities with their own transferred powers [15]. For example, in Poland there are almost 43000 residential units that are categorized to around 2400 municipalities. In this country, during merging of municipalities, in the seventies of the 20th century, there was a reduction of the lowest municipal units. Based on this step, there was decline by half from about 4,000 to the 2400. The process of amalgamation, merging and linking indigenous communities in the Czech Republic, lasted little longer, for almost forty years. From 1950 until the end of the eighties, there was a decline in number of municipalities by more than half, from almost 11,500 to about 4000. Similarly in Hungary in the sixties, was the number of municipalities around 3000 and in the late eighties almost 1300 [25]. Slovakia, as mentioned countries, has similar development. The process of dropping of municipalities, due to merging, was initiated even during the first Czecho - Slovak Republic, in the thirties, but reached a peak in the late seventies, during the second common Czecho - Slovak state. In comparison with Hungary, the Czech Republic and Poland, in conditions of Slovak republic there was not so significant decrease of municipalities during this period. Because in 1930 there were nearly 3,500 villages and in early eighties nearly 2,700 [2], what means a decrease of almost 23%, which is less in comparison to nearly 50% reduction in these municipalities.

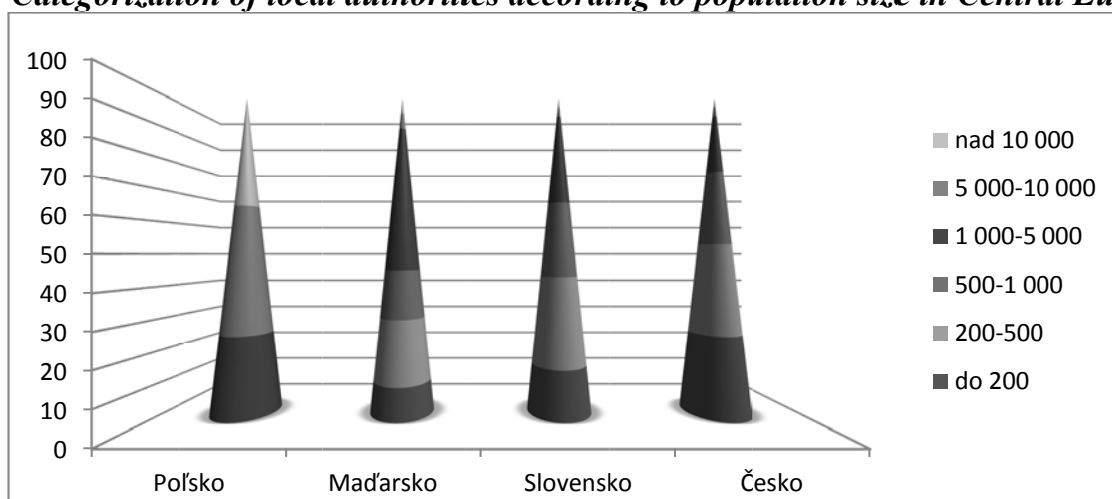
After the fall of non-democratic regimes, in all Central European countries started fragmentation wave, which resulted into increase of municipalities, but this is contrary to the consolidation course in other European countries, in which at this time ran an intensive process of merging. P. Swianiewicz supposes, that this process in Central European

² In Lithuania, the reduction municipalities almost by 90%, Sweden 87%, Denmark 80%, Belgium and the UK around 78%, Germany 51%, Netherlands 44%, etc. [13, p. 188]

countries "could be seen as a response to violent amalgamation in the seventies" [25, p. 12]. Klimovský says: "Naturally, the forced integration of municipalities in period after WW2 in countries of Central and Eastern Europe generally failed to gain popularity among the local population" [15, p. 5]. The most significant fragmentation is reflected in Hungary, where increase was 50%, from 1300 to around 3100 [13], which basically meant a return on position in the sixties. In the Czech Republic, the situation was similar even with significant fragmentation of municipalities. For two years from the ease of regime the number of municipalities increased of 1600 which meant that in that period in Czech Republic were almost 5800 municipalities. In Poland and Slovakia in early nineties increased lower territorial units, at fewer rates in Czech Republic and Hungary. Polish municipalities increased negligibly by 5% [25], like in Slovakia, where numbers increased by nearly 200 from 2669 in 1989 to about 2800 in 1991 [28].

The current situation of municipalities' size in Central Europe is almost identical with the status at the turn of the millennium, and even in some countries from the time of non-democratic regime. Based on mentioned facts, it is possible to identify municipality structure in Poland as consolidated, while current number of municipalities - 2479 [6] is equal to the number of municipalities after the merge process carried out in the seventies of the 20th century. Taking into account the average population, Polish municipalities are the largest in Europe and incomparably greater in comparison to neighboring countries, while the average population of Polish municipalities is 15000. Hungary is characterized by a fragmented structure of the lowest local government units, which currently number is 3175³, while average size of population is 3170 inhabitants [15]. In the Czech Republic and Slovakia, there are smaller municipalities in terms of population size, while in the Czech Republic the average size of municipalities in total is 6250. In Slovakia, number ranges on 1650 inhabitants, in total of 2900 municipalities (List of municipalities in Slovakia, 2013) at 1870 inhabitants. [14] Czech Republic, like Slovakia can be considered as highly fragmented landscape in terms of their residential establishment. It means that the countries in central European area - Hungary, Czech Republic and Slovakia are considered as countries with a large number of small municipalities.

Obr. 1: Categorization of local authorities according to population size in Central Europe



Source: own graphic processing (data: Swianiewicz, P. 2003. *Size of local self-governments and efficiency in providing of local services - the international context and theoretical background*. In: Swianiewicz, P. et al.: *Consolidation or fragmentation? Size of local self-governments in Central and Eastern Europe*. Bratislava: MESA 10, 2003.

³ In Hungary, at about the same population, there are of half municipalities in comparison to Czech Republic

As we can see from the graph, Slovakia is a country with many small municipalities, half of which (40%) consists of municipalities with a population size 500 inhabitants. In Czech Republic the situation is similar, with a large number of small villages, what emphasizes the fact that about half (60%) municipalities have fewer than 500 inhabitants. In Hungary, the situation is slightly better, where municipalities of 500 residents represent not even a quarter (15%) of their total number. The situation in Poland is exactly the opposite. There are no municipalities with population below 1000 inhabitants, while almost a third of municipalities are territorial units with 10000 inhabitants. In comparison of Central Europe countries, we can conclude that only Poland can be considered as a consolidated country, from which experiences we can take inspiration. In spite of the fact that the other CEE countries are classified from the view of settlement structure as fragmented, we can also take the positives from the Czech Republic. The solution is the categorization of municipalities on the first, second and third level, depending on the extent of transferred responsibilities.

Currently, there are 2933 municipalities in Slovakia [26] which is over more 50 municipalities than stated in Statistical Office of Slovak republic by the end of 2011. Total number of municipalities is about 5% (about 140) cities. [26] Based on the Law on Municipalities, a city can be considered a higher form of the municipality, which is in compliance with certain criteria⁴. As mentioned before, most of the municipalities are determined as "small", and this refers to municipality, which has small population. Generally, population is less than 1000 [7]; [27]. According this, the small municipalities in Slovak republic form in total nearly two-thirds.

Settlement structure fragmentation in Slovakia significantly affects the performance and functionality of local self-government, which often can not perform its basic functions, especially for small municipalities that form a significant part of municipalities. High rate of fragmentation causes significant burden for municipal budgets [7]. Municipalities, due to its size structure, are not able to cope with their own problems, in situation when smallest municipalities are not able to provide services required by legal framework. It is thought that settlement fragmentation affects economy of the region, which has an impact on "the unwillingness of investors to come to small municipalities. This results from insufficient level of local infrastructure, on which a small municipality does not have the necessary funds " [23]. We can therefore conclude that cities and regions, although later acquired excellent special status, however, but as indicated in its studies Ježek and Ježková "limiting factors autonomous behavior and negotiation of municipalities and cities are their size and also the system of financing municipalities and cities (so-called tax revenue), which is not very motivating " [12, p. 23]. It follows that municipalities "have only limited opportunities as their activity to increase its budgetary revenues, which largely derived from taxes levied by the central" [12, p. 23]. At the same time, there is ageing process of population, which has an impact on municipality income. Consequently, this affects the size and quality of the services performed by municipalities. Solution could be the effective implementation of the municipal reform.

⁴ It includes following criteria: the economic, administrative and cultural center and tourist center or spa town; provides services for residents of neighboring municipalities; securing transport links with surrounding municipalities; at least has an urban nature; has at least 5,000 inhabitants (Act no. 369/1990 Coll., § 22).

4 Discussion

The current state of settlement structure in Slovakia is characterized by high levels of fragmentation, similarly to Central European countries, except Poland, where consolidation reform was done. One of the reasons why in Slovakia, Hungary or Czech Republic, which are perceived as a "countries of former socialist block" [15, p. 88], after the end of their non-democratic regimes in early nineties occurred rather opposite tendencies, can be the fact, that they has an experience with violent consolidation of network of municipalities from the socialism period. In this period, an object was not the economic efficiency of municipal services, but rather centralization of political power. In other CEE countries, after democratization process, started fragmentation of existing municipalities rather than formation of new ones. Based on these facts, it is necessary to solve the problem of fragmentation of municipal structure in Central Europe and also in Slovakia. In this context and from experience from different European countries, there exist several ways to solve the current unsatisfactory state.

As the first option, we can mention inter-municipal cooperation, which can be facultative, what means there are independent initiatives of individual municipalities (independent decision, state pressure). This process is used in some federal states in Germany. Positive aspect of this approach is the initiative of involved entities and consequent interest to be a part of various partnership activities. The negative aspect is the unevenness of cooperative activities and lack of interest which concerns some municipalities' intervention. On the other hand, cooperation can be coordinated by the state obligatory, as it is applied in France. Disadvantage of this procedure is pressure on municipalities, but on the other hand, municipalities are equally involved in cooperation. Municipal cooperation as a solution to excessive fragmentation of municipal structures is to some extent already applied in Slovakia, and exists as voluntary cooperation. Although some municipalities that fail to carry out certain functions separately form a so-called micro-regional associations or government-accepted common municipal offices [15]. Based on agreement, these offices are formed to carry out a particular activity, while their creation is based on the Law on Municipalities (§ 20). Common offices are mostly focused on education and construction, optionally on social services. Although it is positive, it still lacks the solution of the problem.

One of the basic assumptions of efficient public services on sub-national level was settlement structure merge, which lead to more competitive municipalities. For example we can choose Denmark, a country that is comparable to population of the Slovak Republic. Number of municipalities in Denmark is thirty-two times smaller than in Slovak Republic. Although the Denmark could be inspirational example, it could not be implemented in the short term. On the contrary, we can see the example of Denmark as a long process, lasting for decades. The first phase in amalgamation was the process, which began in 1970, merging more than 1380 communities in nearly 280 municipalities [23]. In this case was used special voluntary system, which was changed by the law and resulted in obligatory merging of municipalities. This process was specified by fixed criteria that municipalities had to follow closely (number of inhabitants in municipality). In 2007 started second phase of the reform, with changes at the regional level and also with a reduction in number of municipalities to 98. Again, initiative came from government, while local governments accepted it. Municipal reform together with geographic consolidation caused an adjustment of competences between individual government levels. The current state of settlement structure in Slovakia is characterized by high levels of fragmentation, similarly to Central

European countries, except Poland, where consolidation reform was done. One of the reasons why in Slovakia, Hungary or Czech Republic, which are perceived as a "countries of former socialist block" [15, p. 88], after the end of their non-democratic regimes in early nineties occurred rather opposite tendencies, can be the fact, that they has an experience with violent consolidation of network of municipalities from the socialism period. In this period, an object was not the economic efficiency of municipal services, but rather centralization of political power. In other CEE countries, after democratization process, started fragmentation of existing municipalities rather than formation of new ones. Based on these facts, it is necessary to solve the problem of fragmentation of municipal structure in Central Europe and also in Slovakia. In this context and from experience from different European countries, there exist several ways to solve the current unsatisfactory state.

Conclusion

Both of stated solutions to fragmented settlement structure could be applied in Slovak Republic. Cooperation of municipalities work in some extent and in certain area, however it is not able to solve deficiencies rising from current municipal structure. More reasonable solution is the process of merging, respectively amalgamation of municipalities. Within aspect of merging municipalities, it would be necessary to take into account several views, including geographic one. That means it is important to ensure coherence of municipalities and therefore areas in which they are linked in natural way. In addition, there is also necessary representatives' interest of local self-governments. However, they are not currently favored by this step. Municipalities are merged by government via regulation, as is clear from the Act of municipalities 369/1990, article 3, § 2. This decision is approved by municipality, which leave it on its citizens. This allows them to vote in a local referendum⁵. It is not exactly determined by the legislation what will happen if citizens reject this step in referendum. In this case, merge of municipalities could be reach by force, but this is contrary to the right of municipalities on self- government. Expected municipal reform should be realized in conditions of Slovak republic as soon as possible, while it is desirable to acquire support from general public, experts and especially from involved citizens.

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⁵ Necessary is the attitude of County council, related to area where the municipality is situated (Act no. 369/1990, § 2, article.3)

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