

CENTRE FOR LOCAL DEMOCRACY

FACULTY OF SOCIAL SCIENCES - ERASMUS UNIVERSITY ROTTERDAM

www.eur.nl/fsw

**Regional Governments
in
France, Germany, Poland and the Netherlands**

Project A03 Hanse Passage
Best Practices for Regional Parliaments

Research team:

Drs. G. den Boogert
Dr. A. Cachet (coordinator)
Dr. F.B. van der Meer
Drs. R.M. Noppe
Dr. L. Schaap

ROTTERDAM, 04/10/2005.

ISBN 90-77846034 / 9789077846032

'Regional Governments in France, Germany, Poland and the Netherlands' is a publication of the *Centre for Local Democracy (CLD)*, Faculty of Social Sciences, Erasmus University Rotterdam.

Email: cld@fsw.eur.nl

Previous publications of the *Centre for Local Democracy* are:

1. Daemen, H.H.F.M. & L. Schaap (eds), 2000, *Citizen and City: Developments in Fifteen Local Democracies in Europe*, Delft: Eburon. ISBN 90-5166-825-2.
2. Cachet, A., H.H.F.M. Daemen, A.B. Ringeling & L. Schaap, 2001, *Het derde klaphek voorbij? Een analyse van de Volendamse bestuurscultuur*, Rotterdam: CLD. ISBN 90-806487-1-X (ook verschenen als bijlage bij het rapport van de Commissie-Cafébrand, BZK, juni 2001).
3. Beukenholdt-ter Mors, M.A., H.H.F.M. Daemen & H.J.M. Fenger, 2001, *Bestuurskracht Noordwijkerhout*, Rotterdam: CLD. ISBN 90-806487-2-8.
4. Beukenholdt-ter Mors, M.A., H.H.F.M. Daemen & L. Schaap, 2002, *Participatiebevorderingen in het Nederlands Openbaar Bestuur, 1975-2000*. Rotterdam: CLD (i.o.v. het SCP). ISBN 90-806487-3-6.
5. Cachet, A., H.H.F.M. Daemen, R.M. Noppe, A.B. Ringeling & L. Schaap, 2002, *Buitenlandse Burgemeesters Bekeken*, Rotterdam: CLD (i.o.v. het ministerie van BZK). ISBN 90-806487-4-4.
6. Beukenholdt-ter Mors, M.A., A. Cachet, H.H.F.M. Daemen, A.B. Ringeling & L. Schaap, *Binnengemeentelijk gedecentraliseerd: een kleinere raad?*, Rotterdam: CLD (i.o.v. het ministerie van BZK). ISBN 90-806487-5-2.
7. Cachet, A., R.M. Noppe, A.B. Ringeling, L. Schaap & A. van Sluis, 2002, *Buitenlandse Burgemeesters Bekeken-II, openbare orde, veiligheid en politie*, Rotterdam: CLD (i.o.v. het ministerie van BZK). ISBN 90-806487-6-0.
8. Schaap, L., A. van Sluis & A. Cachet, 2003, *Buitenlandse Burgemeesters Bekeken-III. Direct gekozen burgemeester in collegiale verhoudingen in Hessen*, Rotterdam: CLD (i.o.v. het ministerie van BZK). ISBN 90-806487-7-9.
9. Schaap, L., H. Heinelt en N. Rao, 2004, *Buitenlandse Burgemeesters Bekeken-IV. Financiering en regulering burgemeesterscampagnes in Duitsland en Engeland*, Rotterdam: CLD (i.o.v. het ministerie van BZK). ISBN 90-806487-8-7.
10. Cachet, A., H.H.F.M. Daemen, A.B. Ringeling & L. Schaap, 2004/2005, *'t Blijft een prachtbaan. De toekomst van het burgemeesterschap in Nederland*, Rotterdam: CLD (in opdracht van het Nederlands Genootschap van Burgemeesters). ISBN 90-806487-9-5.
11. Edelenbos, J., H.L. Klaassen & L. Schaap, 2005, *Burgerparticipatie zonder verantwoordelijkheid* (in opdracht van het Kennis Centrum Grote Steden), Rotterdam: CLD. ISBN 90-77846-01-8.

Contents

1. Introduction
2. Formal Positions of Regional Government: France
3. Formal Positions of Regional Government: Germany
4. Formal Positions of Regional Government: Poland
5. Formal Positions of Regional Government: The Netherlands
6. Consultation, Relations with Citizens
7. Policy-Making
8. Conclusions

Appendices

- A. Respondents
- B. References

1. Introduction

Regional governance is of increasing importance within the European Union. This development is largely the result of European integration in general and of the European Regional Policies in particular.

The process of European integration has had a major impact on EU member states. It has had major consequences for national governmental tasks, responsibilities, policy discretion and steering capacities. It is becoming increasingly clear that European integration processes affect all tiers of government, including national, regional and local levels. In some countries, such as Ireland, European integration has resulted in the creation of regional governments. In other countries, including the Netherlands, European integration sometimes serves as an argument in discussions on the organization of sub-national government. Although it may differ from country to country, there is definitely an impact.

In all countries, European integration has led to the development of new channels of influence and new policy networks. Regional governments are currently seeking to create channels that will enable them to exert influence in European policy-making processes. New policy networks have also emerged, and the power structures of existing networks have altered in response to European policies.

One of the challenges involved in seeking cooperation with regional governments in other countries is the need to arrive at mutual understandings. Concepts that may be unequivocal in one country may have entirely different meanings in other countries. The same holds for understanding how sub-national governmental systems function. For example, it is obvious to Dutch observers that provinces and municipalities in the Netherlands have considerable freedom and discretion with regard to policy, despite their financial dependence on the national government. Observers from other countries, however, may perceive the situation of financial dependence as an indicator of centralism.

The situation that is described above is just one of several possible examples of the need to coordinate understandings across various contexts. It is therefore even more understandable and sensible for regional governments to create such common understandings, as is the goal of one of the Hanse-Passage projects (www.hanse-passage.net):

The Partners will provide each other with information about structures, competences and roles of regional institutions (especially regional parliaments), determine differences, exchange thoughts about various approaches and document how the Partners can learn from each other and other regions.

This goal is the focus of this report: providing information. One of the first tasks is to clarify the meaning of the term 'regional government', as the regional level is comprised of several tiers of government. In this report, regional government refers to the kinds of regional government to which Hanse-Passage partners belong:

- We discuss the French *régions* and not *départements*.

- We discuss German *Länder* and not *Bezirke* or *Kreise*.
- We discuss Dutch provinces and not water commissions' or inter-municipal cooperations.
- We discuss Polish *Voivodeships*.

Research question

The main goal of this report is to provide information as a means of learning, sharing knowledge and creating a common politico-administrative language. For those who would like to know more, the research team wrote a number of appendices containing additional information.

In addition to presenting general information, the researchers looked for 'best practices' (i.e., practices of effective, efficient or highly legitimized policy-making and functioning). The use of best practices, however, involves a number of risks. What is best in one country will not necessarily produce the same positive results in regions in other countries. Best practices are, therefore, preferably described only within their own contexts, in order to prevent premature generalizations from one regional government to another. The mutual learning process will improve as actors come to know more about each other's political-administrative systems.

The central question and sub-questions addressed in this report are as follows:

What are the tasks and responsibilities of regional governments in France, Germany, Poland, and the Netherlands; what knowledge currently exists on regional policy-making; what best practices can be observed?

- A. What are the general characteristics of the systems of sub-national government in the four countries?
- B. What are the formal tasks of regional governments in France, Germany, Poland and the Netherlands?
- C. What types of relationships do regional governments have with citizens? This question will be addressed in terms of such citizen roles as voter, customer subject of policies and co-producer of regional policies (Daemen and Schaap, 2000).
- D. What is the usual way of policy-making? Which actors are involved? What is the exact role of the regional parliament? Where do policy proposals originate? What forms of monitoring or evaluation are currently in use? To what extent are the results of policy accounted for? What types of scrutiny procedures exist?

At the start of the project a fifth set of subquestions was formulated ("In what respect can best practices be distinguished? In what context and why are they perceived as best practices? Can they be transferred to other partners?"). The answers to these questions were supposed to be given by respondents of the participating regional parliaments. Unfortunately, the obtained information was not adequate in every respect. For some respondents it proved hard to give answers at all. It was then concluded and approved that best practices would not be discussed and reported in this study. Instead, the report is expected to serve as a basis for

discussions on best practices amongst the representatives of the participating regional parliaments themselves.

The focus of the report is limited to two specific policy areas, spatial development and economic development, particularly with regard to sub-question D.

Outline of the study and the report

The research consisted of three parts: a preparatory phase, which involved an inventory of information that is available in the literature and on the Internet, a short questionnaire that was sent to the contact persons of the regional governments that are involved in the Hanse-Passage (and to a limited number of Members of Regional Parliaments, as suggested by the contact persons). Answers have been received from Region Haute-Normandie (Upper Normandy, in France), Niedersachsen (Lower Saxony, in Germany), Freie Hansestadt Bremen (consisting of Bremen and Bremerhaven, in Germany) Województwa Dolnoslaskie (*Voivodeship*, in Poland) and the provinces of Fryslân, Groningen, Drenthe, Overijssel, Noord-Holland and Flevoland (six provinces in the Netherlands). The answers apply primarily to the regions that are involved in this study, and they are not necessarily applicable to other regions.

The third part of the research consisted of drawing conclusions. Academic colleagues at universities in France, Germany and Poland, were asked to reflect on the preliminary conclusions, correcting them as necessary. The responsibility for the final conclusions rests, of course, with the authors of this report.

The next four chapters contain formal information on regional government and regional parliaments in the four countries of this study. Chapters six and seven, present empirical information that is entirely derived from answers of the respondents to the questionnaire that was sent. In the last chapter the authors draw their final conclusions, presenting similarities and differences between regional governments and parliaments in the four countries that were studied.

2. FORMAL POSITIONS OF REGIONAL GOVERNMENT: FRANCE

INTRODUCTION

France has a long tradition of strong, centralized authority. In the 1980s, however, a tendency towards decentralization arose. The organization of the Republic has now become somewhat more decentralized, representing a radical innovation in the French republican tradition (COREG 2004 p.283). Nevertheless, 'in administrative terms, the French model remains one of the most centralized in the world' (Hoffmann-Martinot, 2003: 159).

The French system of sub-national government has long been characterized by institutional fragmentation, multiple office holding and competition (Pinson 2005, 119). Institutional fragmentation is apparent even without comparison in Europe. In France alone, there are 36,763 municipalities, as many as in the fourteen EU member states combined. Multiple office holding continues to enable politicians to fulfil executive tasks in various layers of government simultaneously. In the past, this was the dominant practice, and it gave rise to a political elite, the *notables*, that consisted of politicians who had personal prestige and privileged access to central government and administration. During the last two decades, competition at the local level has apparently given way to cooperation, first horizontal and later vertical. Pinson argues that this cooperation was not always the result of the creation of strong institutions. According to this argument, cooperation is more likely to result from the collective recognition of common stakes and problems. 'Cooperation has often been gradual, incremental and problem-driven' (Pinson 2005, 120).

Gualini and Salet (2002: 56) characterize France as a contractual model. In the French system, supervision is reserved for the central state. The regional and intermediate levels have no hierarchical relationships, either with one another or with the municipalities within their areas (cf. Gualini & Salet 2002: 46). The 'principle of free administration' restricts the hierarchy or control of one authority by another. Law 83-8 states, 'The distribution of competences between municipalities, departments and regions may not authorize any territorial unit to establish or exercise any supervision over another' (COREG 2004: 296, 297).

POLITICAL ORGANIZATION: TIERS OF GOVERNMENT

The basis of the French political organization consists of four layers (Figure 1): national, regional, departmental and local levels. At the regional level, twenty-two regions comprise ninety-six departments at the intermediate level. At the local level, there are 36,763 municipalities (Cor 2003). In contrast to the basic structure, the four overseas authorities are simultaneously regions and departments. Other exceptions include the three metropolitan cities of Paris, Lyon and Marseille.

Figure 1: Tiers of government

Main Levels	Number
Nation	1
Region	22
Department	96
Municipality	36,763

During the last twenty years, the changes in the political organization in France have been shifting some power from the national to the local levels. Innovation meant institutional innovation (e.g., metropolitan governments), procedural innovation (e.g., new planning instruments, for instance) and the involvement of the urban population (e.g., development boards, area committees) (Lefèvre 2004).

REGIONAL LEVEL

The regions can be characterized as a typical intermediate layer; they must always play a subtle intermediate role. Although the members of regional councils are elected directly, regions do not have the power to make their own regulations; they do not have their own fixed income, and they have no hierarchical control over the departments or municipalities (Gualini and Salet, 2002: 39). Without the power to persevere in regional integral policy strategies, regions become involved in a complicated game of diplomatic arts.

Responsibilities and competences

Regions are responsible for economic development, land management and vocational training (COREG 2004). They are the political and programming entities that are entrusted with the promotion and coordination of socio-economic development (in the French tradition of *aménagement du territoire*; Gualini & Salet, 2002: 66). After the devolution act of 2003, regions received greater competences in the area of economic development and for the education of paramedic professions and social workers (Minbuza 2004), although they lost competences in the field of tourism to the departments. In addition, regions will receive three billion euro in extra funds, thus increasing their budgets by 41%.

Figure 2. Responsibilities of the regions under ordinary law (COREG 2003)

Further vocational training and apprenticeships:	Regional vocational training development plan; implementation of initial and further training schemes for young people and adults; apprenticeships
Education:	Creation, construction, maintenance and operation of high schools and establishments for specialist education
Planning, regional planning:	Preparation of the regional development and land use plan; State-region planning contract
School transport:	Regional plan; general interest links
Rail transport:	Regional passenger transport
Economic aid:	Direct aid (in accordance with EU rules); indirect aid for companies; stake holding in regional development and regional financing companies

Town planning:	Regional nature reserves
Environment:	Environmental protection; heritage and sites board; listing of historical monuments; regional air quality plan; classification of regional nature reserves
Cultural affairs:	Regional archives, regional museums; protection of heritage and listing of monuments and artistic treasures (2003: experimental)

Regions play a crucial role in the coordination of investments from authorities within their areas by means of regional planning contracts, vocational training and traffic (Gualini and Salet, 2002: 47). Each region autonomously prepares a five-year programme (the *Plan Régional*). These plans serve as the basis for negotiations and for the establishment of state–regional agreements (the *contrat de plan*) concerning investments in the regional territory that are associated with major national projects, primarily in relation to social–economic development or spatial development (Gualini & Salet 2002: 46). In these agreements, regional and central authorities commit themselves to the contents of developmental programmes. Significantly, the process resembles support–programme procedures according to the principles of EU Structural Funds. It also provides for the involvement of third parties (e.g., local authorities and institutions, private sector interests) in the process (Mazey 1993; Gualini & Salet: 67).

The negotiation and signing of five-year contracts comprise the most important competence and strategic weapons of regions. Since the 1980s, state–region contractual plans have developed from the into a major chapter of regional resources: financial means channelled through state–region contractual plans account for about 20% of regional budgets in average, with a peak of about 30% in Ile de France (Balme, 1998). As a counter effect, however, the central states gains influence over regional policies (cf. Balme and Le Galès 1997:150, in: Gualini & Salet, 1997:67).

MAIN ACTORS

Regional Councils

Regional councillors are elected for six years, through a mixed electoral system that combines proportional representation with majority rule. The party that receives an absolute majority of the votes (in either the first or the second round) is given one quarter of all the seats to be filled, rounded up to the next whole number. The remaining seats are allocated among all of the parties by proportional representation, thus strengthening the position of the largest party. The president of the regional council (elected by the council members from among their number) has executive power in the region and is head of the regional administration (COREG 2003; cf. Hoffmann–Martinot, 2003).

Regional prefects

Regional prefects are appointed by the central government and are involved in the coordination of devolved national policy at the regional level.

They play a crucial role in the processes involved in the *contrat de plan état-régions* and play a role in monitoring and retrospectively verifying the regional government.

In recent years, the role of the regional prefect has been intensified in relation to both the *contrat de plan* and the metropolitan areas (Gualini & Salet 2002: 46). Regional prefects serve as the representatives of the state within their regions (COREG 2003: 297).

3. FORMAL POSITIONS OF REGIONAL GOVERNMENT: GERMANY

INTRODUCTION

The German constitution, also known as the Basic Law for the Federal Republic of Germany (BL), was first adopted in 1949 but was amended in 2002. Germany is a federalist state (*Bund*), consisting of sixteen member states (*Bundesländer*). Any power that is not specifically attributed to the federal government resides with the states. The *Länder* are not hierarchically subordinated to the federal state (Hendriks, 2002: 28). On the other hand, federal laws that do exist take precedence over *Land* law (BL, art.31). Conflicts that arise about the division of competences between *Bund* and *Länder* can be brought before the constitutional court (*Bundesverfassungsgericht*) (www.duitslandweb.nl¹).

Despite the constitutional clarity concerning the separation of powers between *Bund* and *Länder*, situations have developed differently in practice. Germany has developed an extensive network of political interrelationships (*Politikverflechtung*) (COREG 2004: 373).

There are apparently two contradictory views of the functioning of Germany's traditionally multi-layered political organization. One stereotype describes government in Germany according to the associative model, which is comprised of corporatist structures (Gualini and Salet, 2002: 56). This model corresponds with the view that the federal structure of the German polity combines decentralization and dispersion of powers, with consensus building and bargaining as the dominant modes of interaction (Wegrich, 2005: 187). The other stereotype portrays the German federalist system as a rigid administrative system, with inflexible internal structures, legal rule-setting and hierarchical control as the dominant modes of governance (Knill, 1999).

The German political organization brings stability to the political and constitutional system at the federal, regional and local levels. Since the 1990s, however, the system has been shifting away from traditionally cooperative federalism toward a system that is characterized by more elements of competition between the regions (*Länder*). Conflicts between the 'poorer' *Länder* in the East and the North (which rely on support from the federal government) and the 'richer' *Länder* in the South (which rely on their own strength) have been increasing. Other major weaknesses apparently include the crisis of representative democracy: low levels of public participation in elections, the collapse of membership in political parties and trade unions and the loss of power by the regional assemblies (*Landtage*) to the benefit of the Upper Chamber of Parliament (*Bundesrat*), a body that represents the executives of the *Länder* (COREG, 2004: 355).

¹ This webpage is the result of an initiative of the German Institute Amsterdam (DIA), the Dutch Ministry of Foreign Affairs and the Dutch Ministry of Education, Culture and Science.

REGIONAL LEVEL: 16 FEDERAL STATES (*BUNDESLÄNDER*)

Within each *Land*, citizens base their sense of identification and belonging on the political system, economic strength, employment opportunities and the quality of life (COREG, 2004: 390).

Responsibilities and competences

The German constitution specifies that all policy areas that are not assigned to federal jurisdiction fall under the legislative purview of the *Länder*. In fact, however, 'the federal level, grosso modo, has most of the legislative and policy making powers' (Wollmann, 2003:86). The regional level does influence federal legislation and policymaking, however, as the *Bundesrat* (Federal Council or Upper Chamber) represents the *Länder* (ib.).

The number of regional policy areas is consequently limited. These areas include education, law enforcement, regulation of radio and television, church affairs and cultural activities. Although the *Länder* do retain significant powers of taxation, they have considerable power in the field of administration. Forty-five percent of all civil servants work in the *Länder* administration (31% in municipalities and counties, and only 12% at the federal level).

In addition, *Länder* implement federal policy in a unique way (Gualini and Salet, 2002: 39). The Basic Law assigns legislative responsibility for public services to the *Länder* (COREG 2004: 407), which have the right to legislate in all areas that are not vested solely in the federal government.

Education, universities, nature conservation, water, health, cultural affairs and media (press, radio and television), local authority matters and the police are core competences of the *Länder*. In these areas, the *Länder* have their own legislative powers and can determine their own policy, as long as they remain within the framework of the federal laws (www.duitslandweb.nl; COREG 2003).

The *Länder* share responsibility with the federal state (*Bund*) in some policy areas, including criminal law, immigration, housing, and laws on the environment (www.duitslandweb.nl). COREG (2003) mentions the following areas in which federal and regional powers overlap: justice, social welfare, civil law, criminal law, labour law and economic law.

MAIN ACTORS

Regional State Parliament (*Landtag*)

The regional state parliament is elected by direct universal suffrage.

To achieve representation in the *Landtag*, a party must receive least five percent of all of the votes that are cast. The numbers of seats differs by *Land*, from 88 in Brandenburg to 204 in Bayern.

The formal legislative power, the *Landtag*, elects and appoints the prime minister of the state and authorizes the regional budget.

The competences of the *Landtag* are mainly of a controlling nature. The parliament has the right to be informed; it can hear the members of the regional government (*Landesregierung*) either openly or secretly. Parliamentarians can ask written questions, and there is one hour for oral questions. The parties that are represented in parliament have scientific assistance at their disposal. The *Landtag* can also make use of petition committees, and it can establish parliamentary control committees.

The legislative powers that the *Länder* have lost due to transfers to the federal state since 1949 have been counterbalanced by greater participation in national legislation through the allocation of greater powers to the *Bundesrat*. This has had clear repercussions on the position and role of the regional assemblies (*Landtage*), in the sense that the freedom of decision and action of the regional representative assemblies is currently very limited. (COREG, 2004: 384)

Prime Minister (*Ministerpräsident*)

The prime minister holds an important position that involves responsibility for appointing the regional governmental ministers, determining the political guidelines for regional governments (*Richtlinienkompetenz*) and representing the State towards the outside world.

The regional government (*Landesregierung*)

The regional government is the regional executive power. It can decide autonomously on government bills, general political affairs and important regional projects, and it can appoint the top civil servants. The *Landesregierung* participates in the federal upper house (*Bunderrat*) and answers to the State Parliament. The Interior Minister from the *Landesregierung* is responsible for the legal supervision of the 17 umbrella associations of local government bodies.

The Interior Minister also supervises the special land administrations (*Regierungsbezirk*) for states in which such bodies exist.

Land administration (*Regierungsbezirk*)

In some federal states, a separate land administration exists, which is headed by the *Regierungspräsident*, who is appointed by the prime minister. The *Regierungsbezirk* is responsible for district and urban authorities. The land administration conducts *ex post* assessments of the legality of the city-states, districts and urban municipalities.

City-states (*Stadtstaaten*)

Three cities, Berlin, Hamburg and Bremen (including Bremerhaven), are *Stadtstaaten*, which means that the cities are *Länder* in their own right (cf. Fürst, 2005: 151).

They have a hybrid internal structure and administration, which interacts with the *Land* and local authority. The head of the city-state of Hamburg is referred to as *Erster Bürgermeister* (first mayor); in Bremen, this official holds the title of *Bürgermeister* (mayor), and the head of the Berlin city-state is known as the *Regierender Bürgermeister* (governing mayor).

4. FORMAL POSITIONS OF REGIONAL GOVERNMENT: POLAND

INTRODUCTION

Poland has a long tradition of local government. Although its local-government structure dates back to the Middle Ages, it ‘was diverted from its national course of modernization and development [...] by the absence of national sovereignty from the nineteenth century through the end of World War I, and later by the German invasion in 1939’ (Regulsky 2003:20). During the years of communist rule (1944 to 1989), local government as such took on a completely different form. Citizen organizations became based on trade unions, and there were no ‘forms of public organizations associated with places of residence’. Sub-national administration was seen as part of the state. For example, municipalities were not legal entities.

The 1997 Constitution changed this arrangement, and earlier reforms during the 1990s established a constitutional basis for local self-government. Thus, even with roots that extend back to the Middle Ages, sub-national government in Poland in its current form is rather young, particularly when compared to the other countries in this study.

At the national level, Poland is governed by a bicameral parliament, a president and a government that consists of a prime minister and several ministers.

The reform in 1999 introduced new levels of self-government and significantly reduced the administrative presence of the central government at the sub-national level. Poland currently has three tiers of sub-national government: regional government (self-governing *voivodeships* with the Marshal as the Head of the Region and the Governor, who represents central government within the region), counties and municipalities at the local level. There are about 315 counties (*powiats*) and 2500 municipalities (*gminas*). Although the 64 urban municipalities have the powers of both the municipal and county levels, they otherwise operate in the same way as the other self-governments. The city of Warsaw has a special status. There is no interdependence amongst *voivodeship*, county and municipality self-government; each body executes separately defined public tasks and responsibilities.

REGIONAL LEVEL: 16 VOIVODESHIPS

Since 1999, there has been a dual structure at the regional level. There are 16 regions, or *Voivodeships* (*Województwa*) and the same number of regional governors or *Voivods* (Swianiewicz, 2003:287). The voivodeships are legal entities; ‘they have their own property and manage their own finances. Their autonomy is also protected in the courts’ (Regulsky, 114). Like the municipalities, *voivodeships* are recognized as ‘associations of residents to exercise power’, but their functions differ from those of the municipalities and counties.

The reform radically reduced the number of existing *voivodeships* (from 49 to 16), and the act enabled them to create regional development policies.

Since 1 January 1999, the *voivodeships* have been responsible for the development and implementation of regional economic policies. They, like counties and municipalities, are independent legal bodies with independent budgets.

The sixteen new *voivodeships* are quite large, with populations ranging from approximately one to five million, with an average population of 2.4 million. Councils that are known as Regional Parliaments (*Sejmiks*) are the decision-making bodies of *voivodeship* self-government. Elected through general elections, these regional parliaments in turn elect a governing Executive Committee (Board) to exercise executive authority in *voivodeships*. The Marshal, who is elected by the regional parliament, heads the Executive Committee.

Tasks of the regional authorities:

Voivodeships:

- Economic development, including international economic relations and regional promotion (stimulating business activities, increasing competitiveness and innovation within the region);
- Education: operating post-secondary, secondary and vocational schools, teacher-training centres, *Voivodeship* libraries;
- Specialized health services, medical emergency and ambulance service;
- Culture: running cultural institutions that provide regional services;
- Social welfare: counteracting unemployment by utilizing *Voivodeship* Labour Offices to design regional development strategies, contracting regional agreements with the central government;
- Modernization of rural areas;
- Spatial development;
- Water management, land amelioration and maintenance of hydro installations;
- Sustainable development, environmental protection and management of natural resources;
- Development of regional infrastructure, including management of roads and regional transport and communications;
- Responsibility for preparing long-term developmental strategies to provide a basis from which to receive support from the central administration and EU funds.

Governor:

In addition to the territorial self-governments in municipalities, counties and *Voivodeships*, the Governor represents the central government within the *Voivodeship*. Governors are responsible for all services related to law-enforcement and public security. They are accountable to their superiors for the operation of governmental services in the area of public order and security, for which they bear responsibility.

Because of their responsibilities and powers as representatives of the Prime Minister (and, in some cases, line ministers), governors are accountable to the central government and focus on the legal supervision of the activities of municipality, county and *voivodeship* self-government.

MAIN ACTORS

The *Voivodeships* are characterized by a dual administrative structure (Sasse 2003: 14). As noted above, one structure involves a council with an executive committee that is headed by a Marshal. The Marshal is responsible for regional strategy and development. The other structure involves a Governor who is appointed by the Prime Minister upon nomination of the Interior Minister, who is responsible for protecting the interests of the state and for coordinating the work of the government administration with the regional self-government.

Within the *Voivodeships*, there are clear distinctions between the council (regional parliament), the executive committee and the Marshal (Note: the regional parliament decides on the statute of *Voivodeship*, so it possible that there are minor regional variations). The assembly is the legislative and supervisory agency of the area. It has several exclusive tasks, including local lawmaking, adopting the strategy of the *Voivodeship's* development and projects, adopting the priorities for the *Voivodeship's* international cooperation and approving the budget of the *Voivodeship*.

The council also elects its Chairman and several Vice Chairpersons (constituting the Presidium of the Council) from among its members. The Chairman organizes the work of the council, convening and presiding over the sessions that are held at least quarterly. In addition, standing and ad-hoc committees are appointed from among the councillors.

The 'Board of the *Voivodeship*' is the Executive Committee of the *Voivodeship*. The Marshal chairs the committee and several vice marshals. The treasurer has the right to take part in their meetings and has an advisory voice. The tasks of the board include executing the resolutions of the regional council, managing the property of the *Voivodeships*, preparing the draft budget and implementing the authorized budget of the *Voivodeship*. In addition, the board prepares drafts of the developmental strategies of the *Voivodeships* and of the land-development planning, as well as of the *Voivodeship's* projects; they implement these plans and strategies and arrange cooperation with self-governmental structures in foreign countries.

The Marshal also functions as the 'chief executive officer of the Marshal's Office of the Region and the employer of all Office staff, as well as director of institutions over which the Region has jurisdiction. The Marshal is charged with organizing the work of the Board and the Marshal's Office has responsibility for the day-to-day operations of the Region and represents the Region.

The Marshal of the Region has special powers to act in the public interest on behalf of the Board of the Region in emergency situations, such as threats to public health and life and potentially serious economic losses’.

5. FORMAL POSITIONS OF REGIONAL GOVERNMENT: THE NETHERLANDS

INTRODUCTION

At first sight, the structure of sub-national government in the Netherlands is rather clear. The three-layer system, which is consistent throughout the country, consists of local-level municipalities (*gemeenten*), provincial governments (*provincies*) and the central government. Reality, however, is somewhat more complicated. In addition to the three all-purpose layers, water boards (*waterschappen*) maintain responsibility for water management and water quality. The existence of the European Union, which is increasingly assuming the character of another level of government, represents a further complication. Finally, a number of inter-municipal cooperations exist at the regional level, and they often perform important service delivery tasks or function as forums for inter-municipal deliberation and negotiation.

From an international comparative point of view, the Dutch sub-national government can be said to belong to the 'Germanic' tradition, as described by Loughlin and Peters (1997: 48 ff).

The nature of the intergovernmental relations in the Netherlands is that of a 'decentralized unitary state' (Toonen, 1990). The primary characteristics of this system are as follows (Schaap, 2005: 135-136):

- Interdependent relations between the layers: the relations between the layers of government are not necessarily hierarchical.
- The position of the municipalities is autonomous; they have a general competence and no *ultra vires* principle. The 'open household' of municipalities and provinces is constitutionally protected.
- Provinces exercise supervisory powers over municipalities, and the central government does the same over provinces. Supervision does not mean 'commanding', but involves the approval of (or at least non-resistance to) local initiatives.
- 'Co-governance' is the most commonly used instrument. After due consultation with local and regional governments, and particularly with their representative associations, the central government makes national laws and plans. Local (and, to a lesser degree, provincial) authorities implement these central policies. Co-governance often leaves significant room for policy discretion (Derksen and Schaap, 2004: 104).

PROVINCIAL TASKS

Regional governments (provinces) have traditionally played intermediate and supervisory roles. In the past, they acted as the 'glue' between the heavily fragmented national government and the municipalities. Their role sometimes also involved intermediating between neighbouring municipalities when inter-municipal conflicts arose. The importance of the provinces has increased since the 1970s.

In the past, the scale of the provinces appeared preferable to that of national or municipal entities, particularly with regard to environmental and general spatial issues. This still is the case; many societal problems manifest themselves at a regional level (although they do not always appear precisely at the provincial level, and they are sometimes not evident at the regional level at all).

Provinces currently have policy-making tasks in a considerable number of policy fields. It is important to note, however, that these tasks primarily involve planning. Provincial implementation is not very common.

Figure x. Provincial tasks (Bosker et al, 2003).

Policy field	Mandatory task?	Policy discretion?	Kind of task
Administration	Yes	yes	Proposing amalgamations of municipalities and water boards. Supervising inter-municipal cooperation.
Public safety	Yes	yes	Supervision. Coordination by Queen's Commissioner during crises.
Transport	Yes	yes	Maintenance of provincial roads. Contracting public transport (rural areas).
Water	yes	yes	Supervising water boards. Formulating integral water plans.
Environment	partly	yes	Planning. Licenses.
Tourism, wildlife	limited	yes	Subsidizing, planning.
Economic and agricultural affairs	no	yes	Subsidizing, planning.
Welfare and culture	no	limited	Subsidizing, planning.
Regional broadcasts	yes	yes	Subsidizing
Spatial planning	yes	yes	Regional planning (usually non-binding). Supervising municipal spatial policies.

MAIN ACTORS

Provincial council

Provincial councils are elected every four years. The number of members depends upon the number of inhabitants, and currently ranges from 39 to 83 councillors. In most councils, more than six parties have seats, and no single party has a majority of its own.

According to the Constitution, the council is the head of the province. Its chief tasks are legislation, deciding on the main policies and the budget. The councillors also appoint all of the members of the executive committee (*Gedeputeerde Staten*), with the exception of the centrally appointed Queen's Commissioner. They also elect a member of the Senate, the 'First Chamber' of the national Parliament. The council meetings and those of its committees are public. Being a councillor is a part time, salaried position.

In 2003, the national Parliament decided to change the functions of the main provincial actors.

Until then, the regional council had been (at least officially) the main administrative body within the province, with the executive committee serving as the daily executor of the council's decisions (the humble servant of the council, so to speak). This worked differently in practice, and dualization became a buzzword. Regional councils withdrew to a more purely representative role of responding to and articulating societal needs and translating them into policy initiatives or requests, deciding on the main policies and scrutinizing policy outcomes. The executive committee emerged as the real provincial government.

Executive committee

The committee has two types of members. First, the *Gedeputeerde Staten* are appointed by the council, after a coalition of a number of political parties has been formed. Their number varies between three and seven. Membership in the *Gedeputeerde Staten* is a fulltime, fairly well paid function. The Queen's Commissioner is the second type of member in the executive committee.

Queen's Commissioner

This actor is appointed by the central government (an artefact of the French influence in the beginning of the nineteenth century), for six years. The Queen's Commissioner has two distinct roles. The first role involves serving as the chair of both the council and the executive committee and the second involves acting as a servant of national government. In the second function, to the Queen's Commissioner must supervise the legality of decisions that are made by the council or the executive committee.

The national capacity has also involves a selective role in the national appointment of mayors and a central presence with regard to public safety (but only when there are large-scale crises; Queen's Commissioners have no say over the police).

Civil service

The executive committee is supported by a number of civil servants, who are chaired by the provincial secretary. Since the dualization, each council has had its own, rather modest, civil service, chaired by the council secretary (*Statengriffier*).

6. CONSULTATION, RELATIONS WITH CITIZENS

What type of relations do the regional governments in the four countries that are studied here have with their citizens? We address this question in terms of citizen roles (e.g., voters, customers, subjects of policies and co-producers of regional policies):

- As voters, citizens periodically (every four, five or even seven years) vote for candidates to hold offices and political programs.
- As customers, citizens receive services delivered by government; services may vary, and may include issuing passports and financial support.
- As the subjects of policies, citizens are confronted with policies, and they are expected to comply.
- As co-producers of regional policies, citizens take an active role in policy-making, intensive forms of consultation and co-decision-making. This situation challenges the creativity of the citizens.

The respondents were asked to answer the following questions: ‘Are there any advisory committees within or outside regional government (including council sub-committees) that are often consulted? Are citizens often consulted?’ In this chapter, we present the answers, as given by the contact persons within the Hanse-Passage.

France

Civil society involvement is apparently under-developed at the regional level in France. Although the regional governments do consult with a number of advisory committees for general policies, these consultations do not occur in any systematic way. Citizen involvement is apparently almost non-existent.

Germany

Although there is also no citizen consultation in Germany, citizens do have the constitutional ability to start popular initiatives, referenda and petitions for referenda. These rights appear to have had little practical significance thus far.

In the legislative process, committees that are concerned with the deliberation of laws often conduct hearings with social and pressure groups. For laws that concerns general matters that directly affect communities or districts, the municipal umbrella organizations must be heard. When preparing laws, the executive board itself involves the relevant social groups.

Poland

As is probably the case in all countries, Polish regional governmental councils have internal standing committees. The number, personal composition and names can differ. These committees can propose and promote parliamentary resolutions, and they pass judgment on projects as well.

There is some contact with civil society. In some policy processes, especially when welfare issues are at stake it is necessary to consult with welfare institutions, social organizations, trade unions and employers’ associations.

Regional governments often cooperate with NGOs (non-governmental organizations) and steering committees that have advisory roles. Some regions have ad-hoc advisory committees that consist of scientists, and specialists, as well as representatives of trade unions and tiers of local authorities.

Aside from voting, individual citizens have no specific role. Polish regional governments apparently have no consultation procedures or referendums. The law offers regional councils ample opportunities for holding referenda of both decisive and consultative nature. Nonetheless, there are no known examples of referenda organized by *Voivodeships*.

The Netherlands

Dutch regional councils also have standing or *ad hoc* committees for discussing policy proposals. In addition, executive boards have are supported by a number of advisory committees during the policy proposal preparation process. These committees often consist of external experts or representatives of society and social institutions.

Citizen involvement varies. In all provinces, citizens have the right to speak in meetings of the council's committee or even the council itself. Some councils organize public debates on specific policy issues or hearings. In one province, the executive committee also has its own advisory committees and consults citizens (e.g., a special group of young citizens) directly. This province has also established citizen juries for spatial planning and an Internet panel. One province mentioned the possibility of citizen initiative: citizens have a right to place an issue on the council agenda, thereby obliging councillors to discuss that specific topic.

Conclusion

The involvement of actors outside the regional institutions is apparently rather weak in all four countries. Where involvement exists, it is of a reluctant nature. While civil society is consulted, co-production hardly ever occurs. Citizens are apparently limited to the roles of subjects and voters. In France and Poland, actual citizen participation is almost non-existent, and in the Netherlands, citizens are consulted every now and then. Regional governments in Germany offer their citizens the strongest opportunities for co-decision-making (i.e., referenda). As stated above, however, such constructions have hardly any practical significance.

7. POLICY-MAKING

What is the usual way of policy-making? Which actors are involved? What, exactly, is the role of the regional parliament? What is the origin of policy proposals? What types of monitoring and evaluation are being used? To what extent are policy results being accounted for? What types of scrutiny procedures exist?

SCOPE OF POLICY-MAKING

The scope of policy-making may vary. In some countries, regional governments have legislative or policy-making tasks in only a limited number of policy fields. In these cases, the involvement of regional governments is severely restricted. In other countries, regional governments are multi-functional, having a say in several policy fields. In yet other cases, regional governments are all-purpose governments that experiencing hardly any policy-making restrictions at all.

France

No information received, unfortunately. We refer to Chapter 2.

Germany

Any state or city-state has the constitutional right to make any policies it may choose, unless they involve legislative power that the Constitution has reserved for the Federation. The German *Länder* are therefore all-purpose governments with almost unlimited policy-making opportunities.

Poland

Polish regional governments have limited functions. They focus primarily on regional development, formulating and implementing developmental strategies for their own territories. The *Voivodeships* perform primarily developmental functions; they promote growth rather than delivering services, and they play an economic rather than an administrative role. The tasks are concentrated in three major areas:

- economic development, including international economic relations and regional promotion (stimulating business activities, improving the competitiveness and the innovativeness of regions); Polish regions are also able to enter into bilateral and multi-lateral cooperation with foreign partners.
- some regional public services, such as higher vocational education, specialized health services, and supra-local cultural activities;
- sustainable development, especially the preservation and rational utilities of the cultural and natural environment, including land use and land planning.

Many regional development tasks are specified in 'regional agreements', which are contracted between the central government and regional authorities. Regional and national governments negotiate agreements concerning the specific tasks that regional governments will or will not have regarding regional development. Only tasks that are financed wholly or substantially by the national government are specified in the regional agreements.

Regional governments must implement the national regional development programmes that have been agreed upon with the *Voivodeship* authorities. Regional governments, however, are free to do more than the agreed-upon tasks, provided that they are able to raise the necessary subsidies elsewhere (e.g., EU funds).

The Regional Accounting House (*Regionalna Izba Obrachunkowa*) is another institution that may have significant influence on regional policies, or at least their execution. The opinion of this body is important in the process of approving and executing projects that are funded from the regional budget.

The Regional Accounting House also performs *ex post* assessment of the legality and legitimacy of the budget execution process throughout the entire year.

The Netherlands

Dutch provinces have a general competence. This does not mean, however, that they make policies in all fields. For example, they have hardly any say at all in matters of health care. In most other policy fields, provincial policies may be complementary to national or local policies, sometimes in a coordinating way. Provincial governments have substantive opportunities to make their own policies and decisions with regard to spatial development.

Conclusions

The German *Länder* have the broadest scope of policy-making. This is not surprising, considering their constitutional position as states within a federation. Dutch provinces are also multi-functional, but the types of policies that they make are often of a planning and coordinating nature. Although Polish *Voivodeships* have limited functions, they apparently have extensive powers with regard to regional development.

POLICY INITIATIVES

New policies must be developed from time to time. Who takes the lead? Who takes the initiative? The regional council? The executive committee? Civil servants? Other governments?

France

Although regional councils take the decision to implement new policies, initiatives often come from the executive committee or civil servants. There are no *a priori* differences between policy fields.

Germany

Political initiatives in the German *Länder* (and Lower Saxony and Bremen are no exceptions to the rule) come from executive committees and political parties; they may also come from social groups and pressure groups.

Poland

Many actors have the right to initiate new policies: the Marshal, the executive committee, the chairman of the regional council, standing committees of the regional council, a political party in the council, and a group of a number of individual councillors (in some cases three, five, or even nine). In practice, the marshal and the executive committee are usually responsible for the majority of initiatives.

The Netherlands

After the council elections (which are held every four years), a coalition is created according to a policy agreement between a number of political parties in the council. This agreement serves as the primary basis for new provincial policies. During the four-year periods, most policy initiatives originate in the executive committee. One province mentions civil servants as initiators, and in another province, the council itself takes the lead from time to time. A number of respondents refer to a new development: dualization has brought with it a new role for the council. Although the executive committee takes the initiative, the council has the opportunity to decide on guidelines at a rather early stage in the policy-making process.

Conclusions

In general, initiatives come from executive committees, although there are exceptions. Initiatives sometimes come from civil servants, parties in the council or societal groups.

POLICY PREPARATION

Taking the initiative is one matter; preparing proposals is quite another. Crucial decisions can be made during policy preparation. The actor preparing proposals can prove to have considerable influence.

France

Civil servants must prepare propositions of new policies before submitting them to the executive committee.

Germany

The executive committee is responsible for preparing and implementing the necessary measures for political decisions that do not require the form of a law.

Poland

In Poland, the actors who prepare regional policies apparently vary across *Voivodeships*. One *voivodeship* refers to the individual departments of the marshal's office, while another reports that the executive committee holds the primary responsibility for preparing policy proposals.

The Netherlands

Civil servants prepare policy proposals in most Dutch provinces, usually under the authority of the executive committee. One province provides several examples of proposals that are prepared by the council itself.

Conclusions

The preparation of policy proposals is obviously the task of civil servants, but obviously in interaction with the executive committee.

POLICY PROCESS IN GENERAL

What steps are taken during the policy-making process? Which actors are involved? At what moment? To what extent?

France

After formulating initial ideas, civil servants propose a number of scenarios regarding the proposed measures. The executive committee then chooses one scenario, after which the regional council takes the final decision. Civil servants then implement the decisions, thereafter monitoring and assessing them.

Germany

The information that was received concerned only the interaction between parliament and the executive committee. In legislative procedures, civil servants and executive committee apparently organize discussions with specialists, local authorities and societal organizations before bringing a proposal to the council. The council then discusses it in the most appropriate committee and takes the final decisions in a plenary meeting (Landtag Niedersachsen, 2003).

Poland

Unfortunately, the answers that were received contained information only on the internal procedures of the council, and did not refer to policy processes as such. In Poland, clear-cut procedures allow council members to initiate proposals. We were nonetheless unable to ascertain whether this legal possibility has ever been used and, if so, what the outcomes were.

The Netherlands

After a new policy has been initiated, civil servants take up the task of preparing a proposal, in interaction with the executive committee. In some provinces, 'old' policies are sometimes evaluated before preparing new ones. Proposals are then authorized by the regional council.

The council's decision-making can take place in steps, in order to ensure that acceptable proposals are being made.

As mentioned by one province, the council may also decide whether citizen participation is a necessary part of the policy-making process. Execution of the decisions is the responsibility of the executive committee, while monitoring and audit are performed by the regional council.

Conclusions

The general policy process proved a difficult issue. Nevertheless, some conclusions can be drawn. In general, regional councils are involved at only two moments in the policy-making process: they take the final decisions, and they often have responsibility for scrutinizing and evaluating the policy outcomes.

Only in the Netherlands (and perhaps sometimes in Poland), do councils ever have a role in initiating the policy process by setting the stage and taking initial decisions.

INFLUENCE ON POLICIES

The information that has been discussed thus far has provided a number of clues regarding the influence of regional governments on resulting policies. The contact people were also asked to assess the relative influence of the following actors: the regional council, the executive committee, civil servants, higher tiers of government, interest groups or other non-governmental actors.

France

The executive committee appears to be the most influential, followed by the regional council and civil servants. The influence of higher tiers of government is unknown, and interest groups and other non-governmental actors are assumed to have only moderate influence.

Germany

The information from Germany suggests that, in legislative procedures, a balance exists between the executive committee and the political parties, as they must cooperate.

Poland

The Polish respondents apparently misunderstood this issue. The authors did receive information on the formal tasks of the various actors that were mentioned in the question. In our opinion, however, tasks and influence are not the same.

The Netherlands

Regional councils are considered influential. They have the opportunity to initiate new policies, and they take the final decisions. In some cases, they are involved in the early stages of the policy-making process. Nevertheless, executive committees generally have more influence than the councils do. They have more information, are able to formulate proposals, and they interpret what the council wants. The same is generally true for civil servants. Although they are definitely influential, they are dependent upon political decision-making. On the other hand, they are the real experts, as they possess advanced knowledge and expertise.

The type of influence that the national government may exert varies. For cases in which a province is the executor of a national policy, national government is very powerful. On the other hand, national influence is presumed to be quite limited in the case of autonomous provincial policies. Finally, the influence of interest groups is not easy to assess. It apparently varies sharply across policy fields. In one province, no direct influence is observed, while in another province, environmental and agricultural organizations are recognized as influential. When issues are high on the agenda, interest groups have more opportunities to exert influence, at least in the opinion of one respondent.

Conclusions

Influence has proven to be a complicated matter, but that is perfectly understandable. Political scientists disagree about how to measure influence. In general, we may conclude that executive committee and council are the most influential actors.

AMENDING CONCEPT POLICY PROPOSALS

Another way of gathering knowledge about the activities of regional councils is to ask whether they immediately accept proposals that are prepared by the executive committee. Do they change them? Are proposals often changed? To what extent? Significantly?

France

Evaluation is the most common method of amending policies. Once a policy has been evaluated, recommendations can be formulated to modify a draft policy proposal. Although regional councils can also amend the final draft policy proposal, they apparently do not do so frequently.

Germany

Details of draft governmental statutes are regularly changed and supplemented in the process of parliamentary deliberation. The majority often and completely rejects draft statutes that are submitted by the opposition parties. The council often tries to influence measures in the responsibility of the executive committee by making 'resolutions'.

Poland

Changing policy proposals is apparently not among the usual daily activities of Polish regional councils. The regional budget is the most important exception to this rule. The budget undergoes several alterations during the year. Less important examples of changed proposals include regulations regarding health-service units (e.g., hospitals), changes in the composition of hospital social councils and regional programmes, when they must be changed to comply with central governmental regulations.

The Netherlands

Dutch regional councils do change proposals. They usually do so by amending the proposals during discussions in council meetings, by proposing either amendments or resolutions. One respondent referred to the importance of deliberation in the council's committees. The executive committee often feels that it is necessary to change a proposal after a committee's discussion.

Conclusions

In most countries, councils apparently change proposals from time to time. This is most visible in Germany and the Netherlands, and is less obvious in France less. Polish regional councils are apparently somewhat reluctant.

DURATION OF POLICY PROCESS

Do differences in work pace exist? Do regional governments in one country act more quickly than their colleagues in other countries? These questions apparently proved nearly impossible to answer.

France

The duration of the policy process depends on the degree of willpower of the executive committee, and particularly that of its chair. If the willpower is strong, the implementation of general policies can begin as early as six months after the first initiative was submitted.

Germany

Deliberations on draft statutes can last from a few weeks up to two years, depending on the item and the extent of the initiative.

Poland

The period between the presentation of an initiative and the adoption of the final version of the resolution may take from one month to one year. Most policy processes are reasonably consistent with the shorter period of the 21-day legislative process.

The Netherlands

Policy processes may take three months, or may last as long as eighteen months. Some respondents explained that the duration of policy processes is highly dependent upon scope and complexity as well as on the term for which the policies are intended. For example, the formulation of new long-term spatial plans may require up to five years.

Conclusions

The only conclusion that can be drawn from this information is as follows: it depends.

ALWAYS IMPLEMENTATION?

Officially, all decisions on policies made by regional councils are supposed to be implemented. Does this always occur?

France

Yes.

Germany

Yes.

Poland

In general. Only rarely are decisions not implemented at all. It sometimes happens, however, particularly when the *Voivode's* legislative assessment raises doubts about the legal aspects of the policies. In such cases, the decisions can be cancelled or revoked, due the supervisory role of the *Voivode*.

The Netherlands

Only one of the respondents reported specifically that policies were occasionally 'forgotten'. The answers from all respondents were rather subtle. In general, all policies are implemented, but sometimes 'the implementation differs from the agreed-upon policy'. The council may hold the executive committee accountable.

Conclusions

In general, policies that are decided upon by regional councils are implemented. In some cases, they are slightly altered during implementation.

MAJOR CHANGES IN POLICY DEVELOPMENT?

Most of the questions that were asked regarded the present situation. Nonetheless, major changes may have occurred in the way policies are developed and decided upon.

France

France has experienced a process of decentralization in recent years. In particular, county councils have acquired new legal capacities.

Germany

No

Poland

Public administration reform has been very important. This reform has radically changed intergovernmental relations in Poland, as well as its physical and territorial structure, by decentralizing control over public services and public financing at two new levels of the democratically elected self-government: *poviats* (counties) and *Voivodeships* (regions). As a result, citizens are presumed to have gained control over issues that affect their communities.

Poland's recent entry into the EU has had the most important impact on the developing regional policies. Methods for financing regional projects, plans and programmes have changed radically in response to the EU structure of grants, infrastructure, economic help and multilateral cooperation.

The Netherlands

Although all respondents mentioned the 2003 dualization process, they acknowledged that it had affected only internal procedures and that the effects were still rather weak. The roles the council and the executive committee had changed and their responsibilities had been separated; an active role for the regional parliament had been requested and the controlling role of the regional parliament had become more important.

8. CONCLUSIONS: REGIONAL GOVERNMENTS COMPARED

DIFFERENCES

First, it must be noted that there are essential differences between the countries, particularly with regard to the formal arrangement of regional governments.

Comparison of the four countries reveals considerable variety in the way regional governments are organized. Clearly elaborated structures for regional governments exist in all four of the countries. The fact that there is a kind of regional government, however, says nothing about the scope of the responsibilities that are entrusted to the regional government, about their freedom to initiate policies on their own accord or about power and influence.

That the structure, position and tasks of regional governments vary widely is no surprise. Such variation is a logical consequence of the fact that the countries have quite different systems of national and sub-national government that belong to different state traditions.

The relatively large differences between the four countries with regard to tasks and functioning of regional government complicate discussions within the Hanse-Passage about regional government in general. In those discussions, participants must repeatedly verify whether they and their colleagues are actually addressing the same subjects when they refer to more or less comparable (English) concepts. This project will enable the members of the Hanse-Passage to develop common concepts about the structure and functioning of their regional governments, thereby facilitating the exchange of information between members.

The countries vary widely in the structure and functioning of their regional governments. Differentiation amongst regional governments within the same country is also apparent, in varying degrees.

In Germany and Poland, the largest cities have a special position, which usually amount to a direct link to national government. In these cases, regional governments have no jurisdiction over the largest cities. For example, Berlin, Bremen and Hamburg are simultaneously cities and *Länder*. In Poland, there is room for minor variations in the structure of the *Voivodeships*. In the Netherlands, only a moderate degree of differentiation exists within the system of government, especially for the largest cities. National legislation has established an obligatory kind of inter-municipal cooperation (called city-regions) with regard to the largest cities. By deliberate decision, metropolitan areas have no specific governmental structure beyond those city-regions. Both provinces and city-regions continue to have a say in metropolitan policy-making.

Germany is a unique case. In the German federal system, the states (*Länder*) retain all responsibilities that are not explicitly attributed to the *Bund*.

Although the powers of the *Länder* are limited, they retain significant powers of taxation and are quite powerful in the field of administration.

SIMILARITIES

Although there are rather large differences between the four countries in some aspects, there are similarities as well.

In all countries, midlevel (regional) government appears to be comprised of more than one type of government. Even in the Netherlands, the formal main structure of territorial governments has no more than three tiers: national government, provinces and municipalities². Even then, there are many voluntary and obligatory forms of inter-municipal cooperation.

France and Germany have other kinds of clear-cut (sub)-regional governments, which are interconnected with the regional governments that are represented in the Hanse-Alliance (e.g., the *départements* in France and the *Bezirke* in Germany).

When changes in the structure of regional government occur (as is the case in most countries), the changes tend to involve additional levels of regional government (as in France) and a more powerful and explicit place for local and regional government (as in Poland).

In all four countries, the tasks and responsibilities of regional government are a complex mix of autonomy and co-governance with national administration. In one sense, a mix of autonomous and dependent tasks and responsibilities is also a constituent element of regional government as an administration that is situated amongst national and local governments. The specific mix and the discretionary freedom of regional government to take its own initiatives, however, vary from country to country. In Germany, the *Länder* have considerable autonomy in all responsibilities that are not explicitly attributed to the *Bund*. In France, however, regional government has a moderate, but increasing, degree of freedom to initiate policies on its own.

Regional government often has a dual structure. One component involves a directly elected representative council, which elects its own daily board and is supported by its own administrative apparatus. The other component, which is more or less interconnected with the democratic representative body, involves some representative of the national government. This representative is usually an official or an organization that acts as a supervisor on behalf of the national government and administration.

In the Netherlands, the responsibilities of the Queen's Commissioner include supervision on behalf of the national government. The same can be said about the prefect in France and the governor in Poland. Germany is an exception. This is hardly surprising, given the federal structure of Germany, which allows considerable autonomy for the *Länder* in their own fields of policy.

² In addition to territorial governments, a number of 'Water boards' exist (see Ch.5).

In all countries, regional government involves some level of internal differentiation. There always is a directly elected representative council, which elects its own daily board or executive (in some countries, however, the chair is appointed by central government. This is the case in the Netherlands). Council and board always have the support of an administrative organization that is instrumental in preparing and executing policy decisions. Within the council itself, there always is a committee structure. Committees play a relatively important role in preparing the policy decisions of the council as a whole and in supervising the daily board.

In most countries, daily boards and administrative organizations are presumed to have more influence than the council has on the formation and execution of policy formation and execution. This is presumed even where the council is legally the most important regional-level actor, as is the case in the Netherlands.

As with many other types of government, regional government is apparently subject to considerable external pressure. Dissatisfaction within and outside of regional government seems to be an important stimulus for change. In recent years, there have been at least some attempts to change the structure and functioning of regional government in all four countries. Poland experienced the most radical change, but these shifts were primarily linked to the overall democratic revolution in that country after 1989. Such changes as dualization (in the Netherlands) and decentralization (as in France) are perhaps less radical, but nonetheless important. Attempts to reform the federal system in Germany have met with fierce resistance and have had little success.

The responsibilities of regional government apparently include long-term planning tasks, particularly in the fields of spatial and economic development. Regional governments in France must even negotiate with the central government concerning a very broad five-year programme.

It is possible that long-term planning tasks have been attributed to regional government, as regional government can maintain some distance from the day-to-day political turmoil at both the national (parliament) and local (local councils) levels. There may be more time for reflection at the regional level, along with more room for long-term administrative considerations.

Probably due to the position and tasks of regional government, it is not surprising that direct citizen participation is rather limited and tends to focus on specific topics (e.g., decisions on spatial planning or the environment). The combined influence of the specific responsibilities of regional government and the physical and mental distance between citizens and regional government may explain why citizens are seldom involved as co-producers of policy at the regional level.

Citizens are limited to the roles of voter, customer and policy subject. Other types of involvement, such as the role of co-producer of policy or policy initiator, are either quite scarce or non-existent, even in countries that explicitly offer formal opportunities for initiation or co-production.

Policy initiatives seldom come from regional councils themselves. Regional government is just like other levels of government, within which policy initiatives originate primarily from daily boards or from within the administrative apparatus. Initiatives from within the council are scarce in all four countries.

Appendix A. Respondents

France

- Alain Didillon, Head of the Department of *Evaluation et Prospective*, in charge of policy assessment and futurology studies.

Germany

- Heinrich Rasche, deputy chief of plenary sessions, committees and petitions in the administration of the Lower Saxony State Parliament.
- Katharina Köhler, civil servant in the Scientific Department of the Bremische Bürgerschaft, responsible for the Committee for Federal and European Affairs, International Contacts and Development Aid Cooperation.

Poland

- Agnieszka Bialy, civil servant for the Dolnoslaskie Region, responsible for the Committee of Environmental Preservation and Water Resource Management; promotion and Sejmik's information supply and web-site management.
- Grzegorz Krzykała, civil servant in the Chancellery of the Sejmik, organizing the Sejmik meetings; organizing standing committees meetings.
- Ewelina Okoniewska, Assistance Office to the Commissions of the Regional Parliament, responsible for the Committee of Development Strategy and Spatial Policy, the Committee of International and Interregional Cooperation, and the Commission of Self-government.

The Netherlands

- Berkhout, J.M.C.A., secretary of the provincial council (*statengriffier*)
- Annet Doesburg, secretary of the council (*statengriffier*) in the province of Flevoland.
- Menno Horjus, secretary of the council committee Economics, Agriculture and Europe, in the province of North Holland.
- G. Kraak, vice-secretary of the council (*statengriffier*) in the province of Friesland
- Inge Maria Rozema, secretary of the provincial council (*statengriffier*) in the province of Drenthe.
- Wouter van der Veur, spatial planning officer in the province of Friesland
- J.J. Wezenberg, staff member provincial council (*statengriffie*) Overijssel.

University experts

- Agnieszka Pawlowska, Lublin University, Poland
- Jochen Franzke, University of Potsdam, Germany
- Jean-Pascal Daloz, University of Bordeaux

Appendix B. References

General

- Daemen, H.H.F.M., & L. Schaap (eds), 2000. *Citizen and City: Developments in Fifteen Local Democracies in Europe*. Delft: Eburon. ISBN 90 5166 825 2. 167–187.
- John, Peter, 2001. *Local Governance in Western Europe*, London: Sage.
- Loughlin, J., & B.G. Peters, 1997. *State Traditions, Administrative Reform and Regionalization*, in: Keating, M. & J. Loughlin, (eds.), *The political economy of regionalism*, London: Frank Cass, 41–62.
- Magone, J. (ed.), 2004. *Regional Institutions and Governance in the European Union*, Westport (Conn.): Praeger. ISBN 0-275-97617-3.
- Norton, A., 1994. *International handbook of local and regional government*, Cheltenham: Edward Elgar.
- Quinn, B., 1999. *The Effects of EU-membership on Local and Regional Governments*, DRAFT, JEM-paper.

France

- Balme, R. and P. le Galès, P., 1997. *Stars and Black Holes: French Regions and Cities in the European Galaxy*, in: Goldsmith, M. & K.K. Klausen (eds.), 1997, *European integration and local government*, Edward Elgar, Cheltenham.
- COREG (Committee of the Regions), 2003. *Devolution in the European Union and the candidate countries*. (http://www.cor.eu.int/nl/documents/progress_democracy.htm)
- COREG, 2004. *Strengthening regional and local democracy in the European Union: Volume 1*. (http://www.cor.eu.int/document/documents/cdr171_2004_voll_etu_en.pdf)
- Gualini, E. and W.G.M. Salet, 2002. *Conditioes van bestuur en praktijken van governance in regionaal Europa*, in: *Bijlagen Op Schaal gewogen: Regionaal bestuur in Nederland in de 21^{ste} eeuw*, The Hague: InterProvinciaal Overleg.
- Hoffmann-Martinet, V., 2003. *The French Republic, one yet divisible?*, in: Kersting, N. & A. Vetter, 2003, *Reforming Local Government in Europe*, Opladen: Leske+Budrich, pp.157–183.
- Lefèvre, 2004. *France: metropolitan areas as new 'reference territories' for public policies*, in: Van den Berg, L., L. Braun and J. van der Meer, *National Urban Policies in the European Union*, pp. 74–75.
- Min. Buza (Ministerie van Buitenlandse Zaken), 2004. *Frankrijk: Feiten en cijfers, geschiedenis, staatsinrichting, beschrijving binnen- en buitenlands beleid, relatie met Nederland*. (http://www.minbuza.nl/default.asp?CMS_ITEM=D8A37A73C1054B1C8E3D6489AB4D6482X3X45593X81)
- Pinson, G., 2005. *Nantes and Pays de la Loire regional governance: problem and project driven cooperation in a French context*, in: Hendriks, F., V. van Stipdonk, and P. Tops, *Urban-regional governance in the European Union: practices and projects*, The Hague: Elsevier Overheid, pp.119–140.

Germany

- *Basic Law for the Federal Republic of Germany*, 23 May 1949, (Federal Law Gazette, p. 1) (BGBl III 100-1) most recently amended by the amending law dated 26 July 2002 (BGBl I, p. 2863). http://www.bundesregierung.de/static/pdf/GG_engl_Stand_26_07_02.pdf

- COREG (Committee of the Regions), 2003. Devolution in the European Union and the candidate countries. (http://www.cor.eu.int/nl/documents/progress_democracy.htm)
- COREG, 2004. Strengthening regional and local democracy in the European Union: Volume 1. (http://www.cor.eu.int/document/documents/cdr171_2004_voll_etu_en.pdf)
- Fürst, D., 2005. Metropolitan Governance in Germany, in: Heinelt, Hubert & Daniel Kübler (eds), Metropolitan Governance; capacity, democracy and the dynamics of place, Oxon: Routledge, 151-168. ISBN 0-415-33778-X.
- Fusaro, C., 2001. Servizi locali in Germania: ovvero le attività economiche comunali a garanzia della Daseinsvorsorge in bilico fra fine pubblicistico e mercato, in "Diritto pubblico comparato ed europeo", n.2/2001, p. 837 et seq., in particular pp. 840-841.
- Gualini, E. and W.G.M. Salet, 2002. Conditioes van bestuur en praktijken van governance in regionaal Europa, in: Bijlagen Op Schaal gewogen: Regionaal bestuur in Nederland in de 21^{ste} eeuw, Interprovinciaal overleg, pp 33-70.
- Hendriks, F., 2002. Meervoudig middenbestuur: een gedachte-experiment, in: Bijlagen Op Schaal gewogen: Regionaal bestuur in Nederland in de 21^{ste} eeuw, Interprovinciaal overleg, pp 19-32.
- Knill, C., 1999. 'Explaining cross-national variance in administrative reform: autonomous versus instrumental bureaucracies' in: Journal of Public Policy, Vol.19, No.2, pp.113-139.
- Kunzmann, K.R., 2004. Urban Germany: the future will be different, in: Van den Berg, L., Braun, L. and J. van der Meer, National Urban Policies in the European Union, pp. 75-76.
- Landtag Niedersachsen, 2003. Welcome to the State Parliament of Lower Saxony, Hanover.
- Min. Buza (Ministerie van Buitenlandse Zaken) 2004. Duitsland. http://www.minbuza.nl/default.asp?CMS_ITEM=C23E44E234B0444CA5C1386B504EA8F8X1X55439X6
- Wegrich, K., 2005. Two-level governance in Germany: incremental change in an increasingly turbulent environment, in: Hendriks, F., Van Stipdonk, V. and P. Tops, Urban-regional governance in the European Union: practices and projects, The Hague, Elsevier Overheid, pp.187-206.
- Wollmann, H., 2003. German local government under the double impact of democratic and administrative reforms, in: Kersting, N. & A. Vetter (eds), 2003, Reforming local Government in Europe, Opladen: Leske + Budrich. 85-113.

Poland

- Lodz Region, 2005. Official Website, <http://www.lodzkie.pl/en/region/index.html>
- Malopolska Region, 2005. Official Website, http://um.wrotamalopolski.pl/J_Angielski/Informacje/
- Regulski, J., 2003. Local government reform in Poland: An insider's story, Open Society Institute, Budapest.
- Sasse, G., 2003. How deep in the Wider Europe: The Europeanization of Sub-National governance in Central and Eastern Europe, paper EUI, November 2003.
- Swianiewicz, P., 2003. Reforming local government in Poland. Top-down and bottom-up processes, in: Kersting, N. & A. Vetter (eds), 2003. Reforming local Government in Europe, Opladen: Leske + Budrich. 283-309.

The Netherlands

- Bosker, J., Y.C.C. Sinnige, J.B.J.M. Stijnen & J.J.M. Vrijburg, 2003. Provincie Info 2003, Basisinformatie over provincie en provincierecht, Den Haag: Elsevier Overheid.
- Derksen, W. & L. Schaap, 2004. Lokaal Bestuur, Den Haag: Elsevier.

- Schaap, L., 2005. Reform and democracy in the Rotterdam region: an evaluation of the attempt to create a regional government, in: Heinelt, Hubert & Daniel Kübler (eds), *Metropolitan Governance; capacity, democracy and the dynamics of place*, Oxon: Routledge, 133-151. ISBN 0-415-33778-X.
- Toonen, Th.A.J., 1990. The Unitary State as a System of Co-Governance: the Case of the Netherlands, In: *Public Administration*, vol 68, nr. 3, 281-296.
- www.iponl.nl