



COMPART Project INTERACT PROGRAMME

Overviews on the decentralisation processes in the Mediterranean countries

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Overviews on the decentralisation process in COMPART's partners

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Introduction

In view of the future external territorial cooperation (ENPI and IPA cross-border components and new objective 3 of structural funds), the COMPART project aims at paving the way to the creation of effective partnerships in multilevel programming and in projects between regions and local authorities belonging to EU member States and partner countries. COMPART intends to achieve these aims through two different activities: the stakeholders' analysis and the benchmarking analysis. While the former will help to define new models for a more effective partnership in programming, the latter will identify proposals for improving partnership in projects elaboration and implementation.

However, as first step to improve partnerships among partners in future joint programmes and projects, it is necessary to understand the political and administrative organisation context of each partners. Only in this way it will be possible to individuate which the right interlocutors (central/regional and local authorities) are, their competencies, degree of autonomy and capacities.

For this reason, this document will provide some information on the decentralisation process in COMPART partners countries. It will represent an important tool to contextualise the results of the stakeholders and benchmarking analysis and to better understand partners' local background.

The regional experts of the COMPART project prepared a contribution on the decentralisation process in their countries, describing the administrative territorial organisation and the competencies of each territorial level. In some cases, experts pointed out also specific features of decentralisation and interregional cooperation in a particular territory.

The first contribution, from the Tuscany region, describes the general aspects of the Italian decentralisation reforms, highlighting the role of Italian regions in the decision-making and implementation of EU law. Moreover, this contribution presents the main features of Italian region international activities.

The second contribution focuses on the experience of Friuli Venezia Giulia Region in the Italian decentralisation process and on the disputes between the region and the Ministry of foreign affairs concerning the creation of a North-East euro-region.

Calabria region, instead, presents the case of integrated territorial programming, considered as a good example of partnership to be replicated in external territorial cooperation. Furthermore, this contribution describes also the experience of Calabria in Interreg programmes.

Finally, this document contains the very interesting contributions of the Western Macedonia region and of the three territories of the COMPART external partners: the Istrian region (Croatia); Sarajevo Canton (Bosnia-Herzegovina); Tanger/ Tétouan region (Morocco). Their analysis is of utmost importance to understand the political and institutional constraints and opportunities which represent the necessary framework for elaborating the joint programmes of cross-border and trans-national cooperation.

Italian local authorities and their relations with the EU

Contribution from Tuscany region

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FOREWORD

The powers and competences of Italian local authorities have been increasing significantly in the last decade as from the moment a new federalist trend emerged in the political arena. The present legal framework regulating the Italian local authorities is very much influenced by the 2001 Constitutional reform which represented a major step towards the creation of a more decentralized system.

The present situation could undergo major changes if and when the Constitutional Law adopted by Italian Parliament on 16 November 2005 introducing a federal reform of the Italian legal system, will enter into force. In order to entry into force the reform of the Constitution needs to pass the confirmative *referendum* which will take place in spring 2006. The referendum is possible when, like in this case, the Constitution has been modified without the *quorum* of two thirds of the voters at the Chamber of Deputies and at the Senate¹.

The present paper describes the situation as it is today: considering the incertitude about the outcome of the referendum, we will not focus the attention on the most recent constitutional changes which, in any case, are not very significant in the specific area covered by this paper.

CHARACTERISTICS OF THE ITALIAN LEGAL SYSTEM AS FOR ITS LOCAL AUTHORITIES

Title V, part II of the Italian Constitution, as modified in 2001, (Costitutional Law n. 3, of October 18, 2001) regulates in general terms the powers of local authorities. More specific rules are contained in the Law n. 131 of June 5, 2003, aimed specifically at implementing the constitutional law.

The basis upon which the role of local authorities is built is the principle of equal dignity among territorial authorities as pointed out by article 114 of the Constitution where it is said that “the Republic is made of Municipalities, Provinces, metropolitan cities, Regions and by the State”. This listing of national institutional bodies reverses the principles of hierarchy and control that had so far governed the relationships among different levels of governance.

The Constitution explicitly identifies the areas where the State has exclusive legislative powers as well as those where both the State and the Regions have concurrent legislative power. A residual clause establishes that the legislative power within every area which is not explicitly reserved to the State's exclusive and concurrent legislative power belongs to Regions (Art.117 Cost.)². Regional

¹. In this specific case the amendment has been approved by simple majority (the last vote at the Senate was: 170 yes, 132 no, 3 abstentions).

² This article provides for the listing of the areas in which the State and the Regions have legislative powers respectively. Areas in which the state has exclusive legislative power are expressly identified as well as those in which

legislative power is subject, as a general rule, to the same limits applied to national legislative power, meaning the respect for Constitution and the responsibilities originating from international obligations (including the EU membership).

Furthermore, reformed Title V directly applies the principle of subsidiarity by attributing to Municipalities full administrative powers as a general rule, as they represent the level of the administration which is closest to citizens.

Law n. 131 of June 5, 2003 intervened in order to clarify certain aspects of the Constitutional reform and allows its factual implementation. However, many questions remain problematic, especially as far as the relationship among different levels of power is concerned.

According to Law n. 131 of June 5, 2003 a definition of “fundamental principles” for the clear repartition of powers, in the areas where the state and the Regions have concurrent competences, will be made by means of ordinary legislation adopted by the Parliament. This recognition of principles has to be made on a case by case basis, whenever the clarification of the boundaries of state/region competences will be needed on a certain issue. At the moment, the main source for the identification of guidelines for the repartition of powers between Regions and local authorities on the one hand and the state on the other hand are, in addition to Title V of the Constitution, sectorial legislation and the Testo Unico on local Authorities (Law n. 267/2000).

Actually, as far as the competences of Municipalities, Provinces and Metropolitan Towns are concerned, no provision exists providing for a complete listing. The general principle of the legislative autonomy of Municipalities, Provinces and Metropolitan Towns expressed by article 118 of the Constitution has been specified by Law 131 in their statutory and regulamentary power, which implies the faculty of regulating the organisation and the development of their functions. Such functions are generally identified by the abovementioned Testo Unico 267/2000 as those which allow the local authority to “represent its community, take care of its interests and promote its development” (article 3).

This peculiar level of autonomy accorded to Italian Regions and local authorities is a characteristic that makes the Italian legal system an *unicum* in the European panorama but at the same time makes very complex the relationship among the different level of territorial administration. The management of administrative functions should, in principle, be based on the close coordination among administrative levels which should permeate the physiologic functioning of their relations. This is much more important as it is evident that many areas of competences cannot be attributed to a single power as for its entire discipline and implementing activities. An illustration for this can be found, *inter alia*, in the area of waste management, where in several occasions lack of coordination come in the spotlight in the shape of open contrast between the different levels of administration. In facts, within this field, whereas Provinces have the right to identify the sites of waste dumps in the exercise of their general competence on territorial planning and organisation, Municipalities have been attributed the primary responsibility as for waste collection and management, including the management of waste dumps.

the State and the Regions have concurrent legislative power. In the areas of concurrent legislative competence legislative power is exercised by the Regions with the exception of the “ definition of fundamental principles which is reserved to legislation of the State”. Areas of concurrent legislative competence are: Regions’ international relation, Regions’ relations with the European Union, international trade; labour protection and safety; education, except for education institutions’ autonomy and with the exception of vocational education and training; professions; scientific and technological research and support to innovation in production sectors; health protection; food; sport rules; civil protection; government of the territory; civil airports and harbours; big transport and navigation networks; communication rules; energy national production, transport and distribution; complementary and integrative social security; public budgets harmonisation and public finance’s and tax system’s coordination; cultural and natural heritage valorisation and promotion and organisation of cultural activities; saving banks, rural banks; regional credit institutions; regional land and agriculture mortgage loan”.

Furthermore, within the discussion on the real potential for the Italian legal system to develop into a federalist one, a much debated question is that of the decentralisation of the tax system. Reformed article 119 of the Constitution attributes to Municipalities, Provinces, Metropolitan Towns and Regions financial autonomy as for revenues and expenses. The same article says that these institutions have “autonomous resources” and that they “establish and apply their own taxes and revenues, in harmony with the Constitution and according to principles that coordinate the public finance and the tax system”. However, the decentralised fiscal system provided for by the Constitution has found no application so far, as the transfer of legislative and implementing powers to Regions do not match with the power for Regions themselves to impose their own taxes within their areas of competence³. The decentralisation of the fiscal system would in fact imply for the State to renounce to the imposition of certain taxes in favour of the Regions, as no additional taxation at regional level is imaginable. Actually, the choice of effectively implementing this aspect of the decentralisation process is correctly perceived as mainly political and of such a significance as to decide for a true federal organisation of the State.

THE ROLE OF ITALIAN LOCAL AUTHORITIES IN THE SHAPING AND IMPLEMENTATION OF EU LAW

Italian Constitution (Art. 117) identifies the right-duty of Italian Regions to take part in the decision making process that aims at the shaping of EU legislative acts (ascending phase) as well as to provide for their implementation (descending phase), within the framework of the procedures identified by national law: this rule evidence undoubtedly an innovative approach as it is the first time that the Constitution focuses on this kind of issue. Also in this case the Italian Parliament enacted a specific law (Law n. 11/2005, commonly known as Legge Buttiglione from the name of the Minister which proposed it) aimed at fully implementing the prescriptions ruled out in the Constitution.

The ascending phase

As far as the ascending phase is concerned, Italian Regions and local authorities take part in the development of EU law both directly and indirectly

The **indirect participation** of Italian local authorities in the definition of the Italian position for the EU law-making process implies:

a. Regions receive from Italian government all proposals of EU legislative acts and preparatory documents

Besides the EU legislative acts which are already in force, the government is bound to transmit to the Regions also those documents which traditionally pave the way and prepare the EU pieces of legislation (Legislative proposals, White and Green Books, Commission’s Communications, etc.).

³ Although regional taxes exist, they are very limited as for number and scope.

b. Regions and autonomous Provinces have the right of making comments to the Government in their fields of competence

Regions and Autonomous Provinces have the opportunity to shape the government's official position according to their needs by transmitting their observations on the preparatory acts they receive from the Government.

c. Regions and Autonomous Provinces are kept informed on the agenda of the EU Council of Ministers' and the European Council's meetings

The government is obliged to promptly inform Regions and Autonomous Provinces about all those issues which are included in their areas of competence and are on the agenda of the EU Council's and European Council's Meetings and to illustrate the government's negotiating position.

d. Permanent State-Regions Conference

Upon request of one or more Regions or Autonomous Provinces, and for EU projects of legislative acts that are in the areas of their legislative competence, the government convenes the Permanent Conference for the relations among State, Regions and the Autonomous Provinces of Trento and Bolzano in order to gather the positions of Italian Regions and Autonomous Provinces and develop an official national negotiating position coherent with their interests.

Besides this *ad hoc* convening, it is provided that a "Community session" of the Conference is convened by the government twice a year. On this venue all the aspects of EU policies relevant for Italian Regions and Provinces are debated and suggestions are made on the guidelines for elaborating and implementing those EU legislative acts related to regional competences.

e. Minor local authorities receive from Italian government all proposals of EU legislative acts and preparatory documents and can make their comments on them

In case EU projects of legislative acts concern areas of competence of local authorities, the government is bound to transmit them to the State-cities-local authorities Conference. This Conference will provide for the transmission to the government of any comment eventually made by the associations representing the Italian local authorities.

f. State-cities-local authorities Conference

Upon request of either the association representing the Italian local authorities or one or more local authorities, and at least once a year, the government is bound to convene a special session of the Conference for the relations among State, cities and local authorities where all the aspects of EU policies relevant for Italian cities and minor local authorities are debated.

g. Inter-ministerial Committee for EC affairs (Comitato interministeriale per gli affari comunitari europei - CIACE)

This Committee has been established with the Presidency of the Council of Ministers by Law n. 11/2005, while its objectives and functioning rules have been explicitly identified by the Decree of the President of the Council of Ministers adopted on January 9, 2006. According to the Decree, the Committee represents the "directing and monitoring room" for European affairs which should allow for the deeper analysis of the several aspects related to the Italian participation in the EU legislative process. In particular, it is in charge with the analysis and coordination of the orientations expressed

by the national Ministries covering the issues on the EU legislative agenda and by the Regions and local authorities as provided by Law n. 11/2005.

The CIACE is a significant innovation that has been introduced on the basis of similar experiences in other EU member States' legal systems. It is a governmental body as, in its ordinary composition, it is made of the Minister for EU Affairs, the Minister of Foreign Affairs, and the other Ministers who have competence in the issues on the agenda. In any case, Italian Regions and Autonomous Provinces may ask and participate to the Committee whenever they have an interest in the debated issues.

The Committee is assisted in the preparation of its meetings by a permanent Technical Committee established within the Department of EU Affairs and whose tasks, composition and functioning rules have been defined by the Decree of the Minister for EU Affairs of January 9, 2006.

h. Reservation of regional review

In case EU projects of legislative acts concern areas of competence of Regions and Autonomous Provinces, on request of the State-Regions Conference, the government may ask the Council of Ministers of the EU for a deferral of decision in order to allow the Conference to express its position on the issue. The government will proceed in its activities if the Conference does not express its opinion within 20 days.

As for the modalities for the **direct participation** of Italian local authorities to the EU law-making process, the following instruments, provided by Law n. 131 of June 5, 2003 (article 5 and 6) and Law n. 52 of February 6, 1996 (article 58), are available:

a. Representatives of Italian Regions and Autonomous Provinces take part in the governmental delegations participating to the works of EU legislative bodies

According to Law n. 131 of June 5, 2003 (article 5) Italian Regions and the Autonomous Provinces of Trento and Bolzano participate, within the bounds of the governmental delegation, to the activities of the EU Council and its working groups and committees in the areas of their competence.

Moreover, it is provided that government's delegations comprise at least one representative of the Regions with special status and the Autonomous Provinces of Trento and Bolzano.

b. Officials of Italian Regions and Provinces take part in the national contingent in service at the Italian Permanent Representation to the EU

Law 52 of February 6, 1996 (article 58) provides that:

- four of the Italian experts working at the Italian Permanent Representation to the EU have to be officials from Italian Regions and Autonomous Provinces, appointed by the Italian Ministry of Foreign Affairs upon designation of the Conference of the Presidents of the Regions and Autonomous Provinces;
- the presidents of regional and provincial governing bodies express to the government, on the occasion of the Conference State-Regions, those issues of interest for their Administrations which they deem worth considering in the formulation of guidelines for the activities of the Italian Permanent Representation and its experts.

The descending phase

The **descending phase**, which relates to the incorporation of the EU legislation into the Italian legal system, is governed by Law n. 11/2005 (known as Legge Buttiglione) that identifies instruments and modalities for the implementation of the EU legislative acts.

The Regions and Autonomous Provinces' role is explicitly acknowledged within this implementing phase as it is clearly stated that "the State, the Regions and the Autonomous Provinces, in the areas of their legislative competence, promptly implement EU directives".

- Participation to the preparatory work of the annual "Community law"

Italian Regions and Autonomous Provinces are involved in the preparatory work which precedes the issuing of the "Community law" as the main instrument for the implementation of the EU legislative acts within the Italian legal system.

It is provided that Italian Regions and Autonomous Provinces are promptly informed, along with the Parliament, by the government about the legislative and programmatic acts issued by the EU institutions. Moreover Italian Regions and Autonomous Provinces are bound to verify, within the areas of their competence, the conformity of their own legal system with the aforementioned acts and to inform the government about the actions to be undertaken accordingly.

- Implementation of EU directives by Regions and Autonomous Provinces

Italian Regions and Autonomous Provinces have the power to immediately implement EU directives in the areas of their competence. In the areas where there is the concurrent competence of the State, the "Community law" identifies the fundamental principles which cannot be derogated by any subsequent regional or provincial law and prevail on divergent regional and provincial measures already in force.

- Exercise of substitute powers

In order to avoid any risk of missed implementation of the EU legislation by local authorities, a mechanism for State's intervention exists. In fact, whenever urgent measures, in the areas of the Regions' and Provinces' legislative or administrative competence, have to be adopted in order to comply with obligations of implementation before the entry into force of the "community law" at national level, the government has the right to take substitute decisions. State's substitute legislative acts lapse as soon as the Regions' and Provinces' appropriate acts enter into force.

In addition to the aforementioned conditions established at national level to regulate the participation of Regions and local authorities to the implementation of Community law, Italian Regions have the faculty to further regulate the matter as for the attribution of certain competences to Provinces and Municipalities.

In particular, a certain degree of autonomy may be granted to local authorities as for the management of EU Structural Funds which intervene in areas where local authorities have been attributed some competences.

As a general rule, common to all Italian Regions, the programming phase of regional initiatives co-financed by Community Structural Funds is accomplished by means of the Piano Operativo Regionale (POR), which is decided, implemented and managed by the governing bodies of the Regions in agreement and cooperation with the competent administrative bodies of the local implementing administrations. As for the process through which Structural Funds are then allocated to the final beneficiaries, this involves both the Regions and their Provinces. More specifically, the

Region is responsible for issuing those calls for proposal requested in order to allocate within its territory the Structural Funds as well as to decide on the projects to be financed. Provincial administrations instead are in charge with both the dissemination of information about each issued call for proposal among minor local authorities and citizens and the subsequent collection of the presented projects for funding.

However, as Italian Regions, according to the Constitution and ordinary national legislation, have the faculty to perform a delegation of duties to local authorities, it might happen that local authorities regulate and manage activities co-financed by Community Structural Funds. This is the case of the Regione Toscana that attributed (with the Regional Law n. 32 of July 26, 2002) to its Provinces decisional and management powers as for the “functions in the area of training and vocational education and orientation” which are among those areas financed by the European Social Fund. More specifically, Tuscan Provinces control the entire management cycle of the allocation of funds belonging to the current Objective 3 of the Structural Funds, from decision-making to disbursement of money, thus being in charge with the direct management of activities such as training and vocational education, promotion of labour market opportunities, of equal opportunities/equal access to work, promotion of youth entrepreneurship. From this general competence attributed to Provinces by Regional law (and further regulated by the Regulation n.47/R of August 8, 2003 executing Regional Law n. 32/2002 and by the Deliberation of the Regional Council n. 870 of September 8, 2003 concerning the modalities for the management of activities financed by ESF within the framework of the Objective 3 of the Piano Operativo Regionale 2000-2006) follows the Provinces’ competence in managing autonomously ESF-originated resources.

INTERNATIONAL ACTIVITIES OF ITALIAN REGIONS AND AUTONOMOUS PROVINCES

Law n. 52 of February 6, 1996 (article 58) and Law n. 131 of June 5, 2003 regulates the powers of Italian Regions and the Autonomous Provinces of Trento and Bolzano as for their external activities within the areas of their legislative competence provided for in article 117 of the Constitution (See *supra* note 1). Actually, although these provisions allow for a significant autonomy for the Italian Regions in carrying out international activities, the State has showed the tendency to give a restrictive interpretation to the existing provisions. An example for this is the fact that the State has so far left unattended the provision regulating the presence of representative of local power in the Italian delegations participating to the legislative process within the EU institutions, also playing on the traditional difficulties of the Italian Regions to stand in a unitary front.

Permanent Representations of Regions and Autonomous Provinces to the EU

According to Law n. 52 of February 6, 1996, article 58.4, Italian Regions and the Autonomous Provinces of Trento and Bolzano have the faculty of establishing their own liaison offices to the EU in order to maintain, in the areas of their competence, relations with the EU institutions. As a matter of fact, all the Italian Regions, sometimes alone and sometimes grouped with other Regions, have opened their own representation offices in Bruxelles. In recent times various Provinces and a few Municipalities opened as well their own office in Bruxelles, although not as their official representation office, for this is not allowed by the Italian legal system, but as a sort of “contact point” with EU institutions.

International activity of Italian Regions and Autonomous Provinces

It is provided (Law n. 131 of June 5, 2003, article 6) that Italian Regions and the Autonomous Provinces of Trento and Bolzano have the faculty of

- providing for the direct implementation of ratified international agreements;
- finalise agreements with internal authorities of foreign States aiming at facilitating their economic, social, and cultural development and carrying out activities of pure international relevance.
- finalise with other States either agreements implementing international agreements in force or technical and administrative agreements or programmatic agreements aiming at facilitating their economic, social, and cultural development.

The case of the Regione Toscana offers an illustration of an efficient use of the competences that the Italian legislative system attributes to Regions at international level.

The Regione Toscana has a dense network of relations and cooperation agreements with both international governmental and non-governmental organisations and with international local institutions and civil society organisations. In 2005 the Regione Toscana invested more than 5 million euros in activities of international cooperation in Sub-Saharan Africa, Latin America, Central-Eastern and South-Eastern Europe, Asia, Middle East and the Mediterranean. In particular the Regione Toscana has been developing, especially since 2001; a decentralised approach to international cooperation, which emphasises the potentiality of local-to-local international relationships.

INTERNATIONAL ACTIVITIES OF MUNICIPALITIES, PROVINCES AND METROPOLITAN TOWNS

As provided by Law n. 131 of June 5, 2003, article 6, these institutional bodies are allowed to carry out activities of “pure international relevance” in the areas attributed to their competence. As no legislative text expressly identifies the areas in which such a competence exists, the areas in which the international activities of Municipalities, Provinces and Metropolitan Towns are allowed are those that have not been attributed either to the State and to the Regions. The normal practice is to consider areas of their international competence activities such as institutional visits, twinning of towns, relationship with regional communities abroad. In any case they have the obligation of communicating their initiatives both to the relevant Regions and to the national administrations identified by the law.

Against the Background of Administrative Decentralisation in Italy

Contribution from Friuli Venezia Giulia Region

Autors: Benoit Hamende and Paolo Panjek (ISDEE)

Friuli Venezia Giulia (FVG) is one of the five Italian special statute regions⁴ (Sicily, Sardinia, Trentino-Alto Adige, and Valle d'Aosta), established by the Constitution (art.116).

In 2001, the Constitutional Law No. 2/2001 extended the principles of internal organisation and the form of government envisaged for ordinary Regions to autonomous Regions. At the same time the Constitutional Law No. 3/2001 has granted an higher level of autonomy to regions by allowing them to play a more active role in the decision making and implementation of EU law, as well as in their international activities. Since then, they may enter into agreements with other states and regional authorities of other states to deal with matters for which they are competent.

The novelties introduced by the revision of Chapter V basically entail: *a*) increasing the power of autonomous Regions with special statutes; *b*) reversing the balance between the state and regions in terms of legislative competence; *c*) enforcing the subsidiarity principle; *d*) a federal tax system; *e*) limiting state control over regional laws; *f*) both the State and Regions may raise “Constitutional Legitimacy” issues.

To adjust the Italian legal system to Constitutional Law No. 3/2001, Law 31/2003 was passed in June 2003 (so-called “La Loggia” Law) which, according to Italian constitutional experts, albeit including innovative elements, entails several difficulties in terms of its interpretation and enforcement. In other words, the drafting procedure of Law 31/2003 (as well as the previous stages of the reform of Chapter 5 of the Constitution) was considered rather “hastened” and led to remarkable substantial problems, such as to affect the consistency of the whole Constitution.

Such problems seem to be exacerbated by the Constitutional Bill on the “Changes in the Second Part of the Constitution” (so-called Devolution Bill), which was passed recently (18th November 2005) and which, in addition to including the establishment of the Conference of the State and Regions and the Federal Senate in the Constitution, also envisages that the exclusive competence over the organisation of the health care, school and police systems and the supply of the relevant services is transferred to the Regions.

Regions and Local Bodies are currently operating in very difficult conditions, since although the reform involving administrative decentralisation was started - at least theoretically -, for the time being it is blocked because ordinary laws have not yet been passed. Consequently, now Regions wish to take advantage of their new powers and responsibilities envisaged by the reform, but they are unable to do so to avoid breaching the “old” laws, which are still being enforced.

In addition to implementing such provisions, the Region of FVG started reforming its 1963 special statute to adjust it to the repercussions over its territory of the new geopolitical situations which have been obtaining over the last years (first of all, the enlargement of the EU to the East). However,

⁴ Special statutes were approved for the regions of Sicily, Sardinia, Trentino Alto Adige and Valle d'Aosta between 1946 and 1948. The Region of Friuli Venezia Giulia approved its statute as late as in 1963 (Law No. 1 of 31/1/1963).

in terms of the timetable of parliamentary procedures, the issue was not scheduled for the May-July period this year, but was postponed to the next term. The FVG “Charter” was excluded from the activities of Parliament on 11th May by the Presidency of the Committee on Constitutional Affairs of the Italian lower chamber. The truth is that, from the viewpoint of international responsibilities, art. 47 of the new regional statute merely states that “the Regional Council must be consulted also with reference to the drafting of commercial agreements with foreign states dealing with the Region’s transfrontier traffic or transits through the port of Trieste”.

The Region of FVG had actually passed a law on that matter in the year 2000: Regional law No. 19, dated 30th October 2000, on “*Actions to promote co-operation activities at regional and local level aimed at development*”. Law No. 19 also lays down that initiatives must be planned according to the “Regional co-operation plan for development and international partnerships”. The Plan regulates the activities envisaged by the present law and organises activities according to geographical areas, countries or areas considered important within a country, bearing in mind the co-operation initiatives started by regional public or private actors thanks to national and/or EU funds, and co-ordinating such initiatives with the actions promoted by the Region of FVG.

Furthermore, at international level, the Region of FVG is currently playing a driving role to lay the foundations to create a Euro-region which for the time being is supposed to include the Veneto region, Carinthia, Slovenia, the Croatian counties of Istria and of the coastal and mountain region (the Rijeka/Fiume area) and the Hungarian county of Zala. In particular, on 11th October 2004 a bilateral agreement was signed between the Regions of FVG and Veneto aimed at establishing the north-east Euro-region, which is supposed to include sub-national subjects from the countries mentioned above and co-ordinate their respective economic, health, industrial, cultural and infrastructure systems. Nevertheless, with a view to establishing the Euro-region, two main obstacles emerge which may be summarised as follows: 1) Slovenia lacks the necessary institutions (Regions or Counties) mediating between the State and Municipalities, which are supposed to act as local institutional counterparts within the Euro-region itself; 2) the regions of Veneto, FVG and the Austrian Länder currently have the law-making power, whereas Croatian counties do not, nor will almost certainly the future Slovenian regions.

Moreover, it should be remembered that the establishment of the north-east region, according to the Italian Ministry of Foreign Affairs, is not envisaged by the current constitution, nor would it be included in the institutional framework of the European Union. In particular, in a letter addressed to the Regional Council of FVG in May 2004, the Italian Ministry of Foreign Affairs confirmed it is ready to support the Italian regions in exercising the powers envisaged by the regulations in terms of signing agreements with territorial bodies of other States, also by establishing common structures, provided that they are not identified as Euro-regions.

However, the stance taken by the Italian government did not weaken the will of the regional leaders of FVG to strengthen their relations to the neighbouring territorial bodies. In this respect, the region of FVG, together with Austria (Styria, Carinthia, Burgenland), Hungary (The Counties Of Zala, Tolna, Baranya, Vas, Smogy, Győr-Moson-Sopron), Croatia (Istria and coastal and mountain counties), Slovenia and Veneto started the “Matriosca” project (the acronym of *management tools, effective relations for new interregional organisation aimed at strengthening the co-operation among adria-alp and pannonian regions*). The project is meant to be the first step towards the north-east euro-region and individual administrations undertake to conduct talks and share resources and information.

The main goal of “Matriosca” is assessing the feasibility and benefits of a euro-region, checking the possibility to harmonise laws and regulations, fostering the exchange of health services, the co-operation among enterprises and the temporary exchange of staff among public agencies.

However, in addition to the importance attributed to “Matriosca” in terms of the EU regulations defining Structural Funds in the 2007-2013 programming period, the establishment of the “European Cross-Border Co-operation Grouping (EGCC)” is also planned, as a possible legal foundation to build a Euro-region in the Future. In brief, the EGCC is an institution having legal capacity devoted to monitoring the implementation of the “Co-operation” objective according to an agreement between national, regional and local administrations or other kinds of public agencies participating in the Grouping.

The EGCC shall have its own charter, bodies and rules and shall carry out the tasks assigned by its members according to the agreement. In this respect, during its latest plenary meeting on 18th November 2004, the Commission expressed its consent to the proposal not to limit the tasks of European trans-European co-operation groupings merely to cross-border co-operation and allow them to play an active role also in the trans-national and inter-regional co-operation sectors. EGCCs may be charged with the implementation of programmes co-funded by the European Union to reduce imbalances at the level of regions and local agencies within the Union. The role played by the legal capacity of the EGCC will allow regions to achieve real and effective devolution, leading to a direct dialogue with the European Commission.

Integrated territorial programming and Interreg Programmes in Calabria

Contribution from Calabria region

Autors: Claudia Mularoni e Giulia Righetti (PRAGMATA)

In the framework of the international activities of Italian regions, Calabria offers an example on how the role of the regional decision makers could influence integrated territorial planning and international cooperation projects within the Interreg Programme.

Calabria Region has participated to many Interreg Projects, due mainly to its strategic position on the middle of Mediterranean area. This strategic position contributed to an international development of the partnership principally with EU Mediterranean partners as well as with North Africa partners.

The potentialities of the Region are outlined and stressed in the different kind of projects where the Region is Lead partner or simply project partner and the involvement of local stakeholders in the definition of priority issues and funding opportunities is coordinated by a specific department within the Regional structures.

Moreover, the Region is one of the Objective 1 regions in Italy and all its activities, priorities and area of interventions take in consideration the importance and the linkages with the structural funds and with the indications contained in the Regional Operative Programme.

However, the situation is changing due to the new programming period of 2007-2013 and to the new instruments of collaboration with the external partners (Objective 3, IPA, ENPI).

The problems related to the programming in Italy and mainly in the southern regions, are due to three main reasons:

1. Higher assistance: the EU funds are frequently considered as subsistence assistance funds instead of additional funds which give the opportunity to finance and support innovative projects
2. Different level of development between the north and the south of Italy
3. Scarce level of planning of the interventions

After the Agenda 2000 reform, the Regions are the main responsible of the EU regional policy implementation and of the Structural Funds management as well as the responsibility of their distribution in the territory.

Nevertheless, regional development in Italy is not completely successful and should be more efficient if the following actions will be adopted in the decision making and planning process.

1. NEGOTIATED PROGRAMMING
 - interaction between the different administrative levels
 - comparison between the different interests
 - transparency of the procedures
2. ORGANIZATIONAL PROCEDURES
 - decentralization

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- integrated approach
- premium principle

3. PARTNERSHIP SCHEME

- public / private partnership
- institutional partnership
- social partnership

Local actors are the main subjects in charge of a positive impact of the Structural funds for the Italian socio-economic growth. The main useful approach which guarantee an efficient utilisation of the EU funds for a structural development must be based on an efficient integration of the local demands: the market, the territory, the population.

The requested know-how for the implementation of a complex and integrated series of interventions aiming at territorial development is obtained by the addition of different factors: the administrative capacities, the projects generation capacities coming from the local level requests and the participative approach. All these components will lead to an efficient **integrated partnership**.

In the following chapters are indicated firstly a brief overview of the devolution process in Italy, secondly are indicated the strategies and the methodologies applied at international level for the implementation of the Interreg initiative and finally the main instrument adopted by the Calabria Region providing the active involvement of all local stakeholders in the definition of projects for local development as good example of integrated partnership.

INTEGRATED TERRITORIAL PROGRAMMING IN CALABRIA

One of the main innovative instrument in Italy, and particularly in Calabria, for the programming period and efficient for the funds management and efficient spending is the **Integrated Territorial Programming**

THE INTEGRATED PROGRAMMING IS NOT A NEW INSTRUMENT BUT A COMPLEX OF INTER-SECTORAL ACTIONS, STRICTLY COHERENT AND LINKED, WHICH CONVERGE TO A COMMON TARGET OF TERRITORIAL DEVELOPMENT AND JUSTIFY AN INTEGRATED APPROACH.

Integrated territorial programming is hence an operative procedure which guarantees that different actions converge to a common objective.

The principles guiding this instrument are:

1. **INTEGRATION**: of territories and resources;
2. **CONCENTRATION**: limited number of objectives, clear, measurable, coherent, valuables;
3. **DECENTRALIZATION** and definition of the responsibilities (is necessary for an efficient management of the concentration and integration).

Integrated projects must be concentrated in a precise zone and are based on a strict collaboration of the local stakeholders. Priorities and measures for the action are indicated on the Regional Operative Programme.

In this context is important to favour, enhance and support the bottom-up programming involving through a **participative approach** the local stakeholders, in coherence with the general objectives for the development of the overall territory (top-down).

This approach, which is mainly cultural, contributes to the creation of added value to the initiative in a precise territorial area or industrial district, involving different kind of social and economic interested subjects.

Overviews on the decentralisation process in COMPART's partners

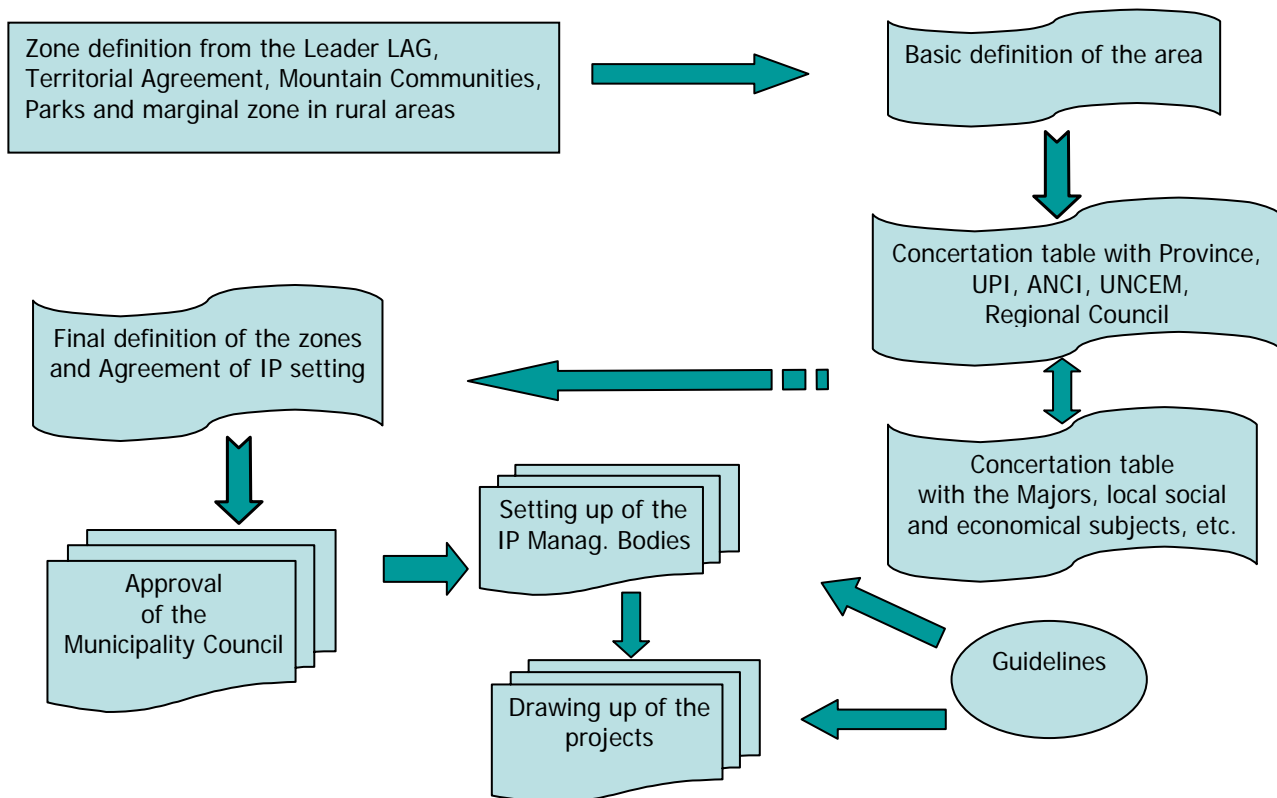
Integrated projects are one of the instruments of the Integrated programming and the Calabria Region adopted this innovative system and its innovative methodologies:

- **Negotiation:** provide to build agreements between public and private subjects following the principle of transparency and the competition is between territories and projects;
- **Evaluation** provide to select best projects, in accordance with the SPD objectives and of the ROP.
- **New management system multilevel and multi-actor:** at *I level* is made a consultation between the region and the local entities for the identification and setting up of the IP through institutional consultation tables, institutional partnership, etc.); at *II level* are fostered the relationships between the public and private subjects by shared local partnerships, socio-economic councils, forum, working groups, etc.;
- **New models of management:** the responsible subject has institutional tasks as well as implementation tasks.

The **IP instrument in Calabria** has been applied in order to maximize the efficiency of the development actions already implemented and foreseen in the programming documents. In particular, it has been adopted the IP on a sectoral base (SIP) at regional or province level and the IP on a sub-province base sectoral or multi sectoral, with a precise objectives for the territorial socio-economic development.

The IP setting up follows the following diagram, which shows as is important the involvement of all the local stakeholders (Region, Provinces, Municipalities, public authorities, local associations and representative of local interests, etc.) within this instrument of projects generation.

THE ITP SETTING UP



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The approach adopted by the IP is considered a best practice at EU level for the involvement of local actors and it's suggested to apply the same methodologies not only for the definition of local projects but also for the setting up of international and cooperation projects.

The Interreg interventions planning and other international cooperation projects could be based on the same methodologies adopted for the ITP.

The participatory approach could be completely ensured and adopted starting from a bottom up request of intervention at local level and then involving international partners. Projects generation could raise from concertation table among different local actors, which will transfer needs and requests to regional authority and in partnership will define project proposals. The adoption of this methodology to Interreg and others international cooperation programmes will permit also a shared feedback analysis among the local stakeholders, ensuring higher sustainability to implement projects and a learning process for future opportunities.

CALABRIA REGION BASE OF ACTION WITHIN THE INTERREG INITIATIVE

The Calabria Region strategies at international level addressed to partnership building, in particular within the Interreg Initiative, are due to a series of EU and Italian documents and communications, in particular:

- Communications of the Commission related to the Initiative Interreg indicating the priorities for each programming period;
- Decision of the Commission indicating the amount of the ERDF funds for the Interreg Initiative for each programming period;
- Decision of the CIPE Italian institution (11 November 1998) indicating the co-financing amount and modalities for the Objective 1 and the Objective 2 regions made by the Ministry for Public Works.

These are the main official documents taken into consideration for the formulation of regional strategies, in consultation with the Monitoring Committee and the Steering Committee.

CALABRIA REGION ACTIVITIES AT REGIONAL LEVEL WITHIN THE INTERREG INITIATIVE

Following the requirements made by the Ministry for Public works, Calabria region has defined a series of strategies in order to manage, from the technical as well as from the financial point of view, the Interreg projects.

In the adoption of these strategies, Calabria Region foresees and stresses the importance that the activities provided by the projects are implemented, as general way of conduct, by public entities, Universities, specialised no profit subjects with specific competencies on the projects' sectors, giving added value to the project effectiveness and ensuring capacities and experiences on the identified issues. The relationship between the implementing body and the Calabria Region are regulated by specific agreements.

The strategies are the following:

- To institute a technical coordinating group for the implementing of the different projects;
- To adopt the necessities regulations for the financial aspects in accordance with the EU regulations for the public funds and ERDF regulations;
- To regulate through acts and agreements the overall or the sectoral projects implementation in coordination with other regions and/or administrations, the collection of information, documents and all other requested documents by other partners in order to guarantee an effective project implementation ad well as for the drawing up of the technical reports and the financial reports, with the justifications documents and certifications;

- To ensure a positive effects of the funding instruments of Interreg in the Objective 1 area according to the Calabria Region priorities;
- To send to the Ministry for Public Works quarterly reports for the monitoring of the state of implementation of the projects and of the funds application;
- To ensure an efficient and effective transfer of the funds to the involved partners at local and international level;
- To individuate the responsible for each project in the related Department, coordinated by the general responsible of the Calabria Region of the Interreg Initiative.

The responsible of the project are nominated by the General Director of the Regional Department and, both if the Calabria Region is the Lead partner both if it's partner, is in charge of the following tasks:

- Setting up of a Coordination group composed by the representatives from each partner;
- Check the transferring of the funds;
- Definition of the agreements and relationship with the partners and with the subcontractors;
- Collection of the information for the results dissemination;
- Collection of the documents, justifications and certifications.

The Calabria Region, in relation to the Interreg projects implementation has not provided the local actors with a define network, neither round tables or stable instruments of collaboration.

During the preliminary phase (preparation of the proposal, relationship with external partners, collection of the information and of the supporting documents, etc.) the activities are directly managed by the subject (municipality, University, Chamber of Commerce, etc.) interested in participate in the project.

During the implementing phase is nominated, as indicated before, a responsible of the partner within the Calabrian institutions with the tasks listed above.

At general level, the Department for International Cooperation is in charge of enhance the relationship among the local stakeholders and contribute to an efficient partnership building also at international level.

The future perspective of Interreg Programme in Calabria are directly linked to the EU interest of widening the area of action from the eastern and Balkans countries to the Mediterranean countries.

Since the 2004 enlargement process interested mainly the eastern European countries, EU strove for collaboration agreements and cooperation process with this area.

Within the new neighbourhood policy and the intention to improve the relationships with the Mediterranean countries, Calabria Region is in line with the new policy and in the future would ameliorate the partnerships with them.

In accordance with the new programming period 2007 – 2013 and with the new face of Interreg, Objective 3 International cooperation and the instruments IPA and ENPI, Calabria is defining its future strategy for international cooperation as well as future priorities and strategies.

The future priorities of interventions could be listed as follows:

- Promotion of local products and of local territory through tourism;
- Cultural and economical collaboration;
- Migration and external borders control;
- Infrastructures development, mainly ports and railways.

CONCLUSIONS

The partnership principle and the methodologies applied to the Integrated Partnership are of high importance for a concentration process and for the definition of future international strategies.

Calabria region experience and strengths in the IP setting up and in the creation of a network among local subjects could be applied in the definition of the future Interreg and Objective 3 strategies and in the overall strategy for external cooperation.

Regional development strategies should be articulated and defined in line with international cooperation strategies and vice versa, mainly in view of the future structural funds reform. Despite the importance of local actions, the main direction is in favour to international cooperation, in order to outline the European added value of the international cooperation and export the strengths, the competencies and the best practices of a Region to the external partners.

This interaction and synergy between the local and international level will lead to an improvement of the region development strategies and then of the overall regional development.

The projects generation process can follow a path starting from the definition, sharing and prioritising of projects at local level, and then lead to the international arena the single experience and projects developed by Objective 1 and ITP. This process could ensure a real application of the partnership principle and a precise definition of priorities of intervention, leading to an efficient new international cooperation in the future years.

The decentralisation process in Greece

Contribution from the region of Western Macedonia

Autor: Panos Remoundos and Vassiliadis Dimitris (Region of Western Macedonia)

Main features of the Region of Western Macedonia

Geographic features and morphology

The Region of Western Macedonia lies in the northwestern part of Greece and borders with Albania and FYROM. It includes the Prefectures of Grevena, Kastoria, Kozani and Florina. The Region's Seat is in Kozani, which is also the capital of the homonymous Prefecture. Western Macedonia is an area of 9.451 km² and possesses 7,2 % of the total area of Greece. It is purely a mountainous area and 82% of its territory is covered by mountainous and semi-mountainous land.

The Region has significant natural resources such as energy minerals, ores, forests (50 % of the total area), rangelands, and possesses 65 % of the surface water resources of Greece.

Population

The population of Western Macedonia is 302.892 habitants (National Statistic Service of Greece 1998) and equals to 2,9 % of the total population of Greece. The population's rate of increase during 1993-1998 is 1,66%, a little higher than the total corresponding rate of Greece. The Region's density of population is 32 habitants per km² towards 79,7 of Greece. The urban population is 29% of the total population, the semi-urban is 15% and the rural population is 56% respectively.

Region's GNP

The Region's GNP per capita is 89 % of the average GNP per capita of Greece for 1994. It has a decline in relation to the corresponding GNP in 1989, which was 103,6 %. The Region ranks in the 21. position among the poorest Regions of the E.U. Its NGP corresponds to 62 % of the average NGP of the E.U. (1996). Its position has been improved in relation to 1986 (58% of the NGP of the E.U. The Region produces 2,6 % of the NGP of Greece. 13,4% of the Region's NGP is produced in the primary sector, 47,5 % is produced in the secondary sector and 39,1% of the Region's NGP is produced in the tertiary sector.

Work force – Employment - Unemployment

The population actively involved in the Region's economy is 120,8 km. of habitants and the employees are 103,2 km. of habitants (1997). The progress of the active population in the last years has increased (with an exception in 1996). The number of employees fluctuates (increase during 1993-1994, significant decrease during 1994-1995, it increases thenceforth).

The 23,5 % of the employees works in the primary sector, 32,9 % in the secondary sector and 43,6% in the tertiary sector. In the past years there is a decrease of employees in the primary and secondary sector, however the employees in the tertiary sector have been increased. The unemployment rate in the Region is 14,5% during 1997, with decrease tendency based on the data in 1998. However the rate is still higher than the corresponding national rate. The unemployment rate in the young people between the ages of 14-25 is particularly high 46,9 % . The long-lasting unemployment rate is higher than the one of Greece (63,1% towards 57,1 %). The

unemployment rate of women in the Region is higher than the total unemployment rate of women in Greece (23,4 % towards 15,9 %).

The overall education standard in the Region is considered to be lower than the corresponding standard of Greece. The work force with an elementary education is 45,2 % of the active population, 35,7 % are High-School or Senior High-School Graduates and 19,2% possess a University Diploma.

Region of Western Macedonian



It is important to mention that the Prefecture of Kozani and in particularly the city of Ptolemaida depend on the Public Power Corporation (DEH) for electric power. These plants produce 80% of the electric power needs of Greece. In this area the unemployment rate is relatively low and the wage level is satisfactory, however with a counter price on the huge degradation of the environment and the consequences on the habitants' health.

For the Prefecture of Kastoria the problem lies in the monoculture for the manufacture of fur products. The Prefecture of Kastoria has been a world Leader in this sector. However, in the past years there was a tragic shrinkage, causing thus despair to the people, who earned their living exclusively from this activity.

The decentralisation process in Greece

It is explicitly mentioned in the constitution how the administration of the State must be organized. It aims at a decentralizing function pursuant to the particularities of the country (continental, highland and insular Greece).

The country is divided in three administration levels: Municipalities, Prefectures and Regions. By the application of "Kapodistriasis Law", the Municipalities and Communities were reduced from around 2.500 to 950. This fusion caused huge reaction on many parts of the country, as each Municipality or Community, for its own reason, did not wish to join this Law. There were political reasons since some would not want to lose or hand over the power to a bigger formation, however

there were also practical reasons such as the remote “Kapodistrias” Municipality Seat from a former Community or Municipality. Nevertheless the project was finally met with success and most of the reactions were overcome. The discussion for “Kapodistrias 2” has already started since there are still some Municipalities with small number of population.

The problem in the Municipalities is the resources. Although Municipalities have their own income flowing from the municipal dues, their finances cannot cover infrastructure works or other services to their citizens. Due to bad financial management, most of the Municipalities end up getting loans or sometimes even over-loans, thus a big part of their income from municipal dues is spent to pay interests. The Municipalities are forced to depend on the Government for the implementation of major works and ask Ministries for financial support. Another problem in the Municipalities but in generally in the self-administration of first (Municipalities) and second (Prefecture) degree, lies in the transfer of authorities from the Government to the local self-administration. Although the constitution provides a corresponding transfer of resources, this, most of the times, does not take place and the financial state of the Municipalities is becoming worse.

Prefectures are the second local self-administration degree. Greece has 52 Prefectures. Prefectures do not have a financial self-existence nor have the right to impose dues. They receive funds from the Regions for infrastructure works and some of their services such as passport issuing, vehicle suitability controls, etc. are funded through fees. Also, road net, school buildings, sanitary control services, store working hours, services for commerce and culture fall into the authority of the Prefectures. Their dependency on their Government is enormous and their demands, some times justified and some times unreasonable, cause huge frictions. The Mayors and Prefects are elective. This means that a Mayor or Prefect, not belonging to the ruling Party, may not be treated equally by each Government.

Regions are the third self-administration degree. Greece has 13 Regions, defined by geographical criteria. Regions have resources directly from the state budget. Regions play also a significant role in the distribution of the funds given by the E.U. By the application of Law 2503/97, each Region was constituted as a unified decentralized administration unit of the State, with decisive authority concerning the exercise of all performing state authorities. Its character as a regional development unit was sustained and its organizing structure was defined. Subsequently, aiming at the enforcement of the decentralization institution as well as at the support of the communication between citizens and public services, the Region’s self-existence towards the Government was further amplified by new legislative regulations of Law 2503/97. According to these regulations new instrumental units were constituted and many authorities were transferred from the Government to the Regions (Law 2647/98, Law 2910/01, Law 3013/02, Law 3208/03, Presidential Decree 1213/98, Presidential Decree 313/01, etc.). The Secretary General of the Region is appointed by the Government and is not elective. Also at this point new discussions for the revision of the Regions have started. All thirteen Regions of the country should become five Super-Regions and the Region’s Secretary General should also be elective. The Prefectures will not longer exist or they will be incorporated in the new Super-Regions and the Prefects will not be elective.

The basic authorities of the Region’s Secretary General are principally:

- Planning and implementation of policies concerning the economic, social and cultural development of the Regions
- Particularization in regional policy
- Particularization in developmental policy targets and directions on a regional level

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- Implementation of democratic planning procedures
- Observation of annual and midyear regional development programs
- Appliance of the provisions and terms concerning the developmental motives.
- Information and support to the small or medium enterprises
- Drawing up of propositions and programs as well as particularization in developmental policy targets and directions on matter of employment
- Particularization, coordination and control of national water policy appliance
- On issues of energy and renewable energy sources
- On issues of public quarry management
- Protection and promotion of public health in the Region observation of the population's health in this region
- Development of programs, actions and policies for the prevention of diseases and the promotion of health, environmental and public sanitation, food and water sanitation and professional sanitation
- Coordination of activities of all public health institutions functioning in the Region, within the implementation of national strategies for public health.
- Coordination of the regional services of the Food Administration (EFET) with the services of the Regions' Prefectural Self-Administration.
- Study and proposals of regulations for a completer and more efficient health and welfare services provided to the citizens of the Region
- Study and proposal of regulations for protecting the citizens from accidents
- Drawing up, observation and implementation of programs for prevention, education and promotion services of children health
- Supervision of the school environment concerning the appliance of public health regulations
- Forming of disability attestation committees
- Planning and study of regional policies for the construction of works, working-out or assignment of working-out and approval of the studies of such works (traffic works, buildings, build-up areas, plumbing, harbor works, land reclamation works, electrical engineering and mechanical engineering works)
- Sampling and control of soil and construction material suitability of the executing works.
- Granting of licenses for the establishment and operation of private Technical Control Services for Vehicles
- Street marking, signaling and lighting
- Surveys, maping out and corresponding actions for expropriations.
- Maintenance of the Regions' existing road net.
- Planning and implementation of a environmental, land-planning and town-planning policy within the principles of the national directions for a viable development
- Particularization in the environmental policy guidelines in the Region
- Coordination of actions for the observation and protection of the environment
- Supervision by the Special Auditors Corps for the protection of the environment
- Particularization in land-planning policy guidelines in the Region
- Particularization in the general guidelines and directives for town-planning, residential policy and building regulations.
- Coordination of the program implementation for the execution of works provided by the general town-planning drawings and town-planning studies.
- Formation of a work-teams for pulling down unlicensed constructions
- Forest development and protection of forests, forest land, fauna and flora
- Forest mapmaking and property issues
- Drawing up of studies for forest-technical works

- Reforestation planning
- Working-out of programs for the protection of forest land
- Planning and study of methods and means for the prevention and repression of forest wrongdoings
- Preservation of natural environment
- Handling of issues concerning the prosecution of violators of forest legislation clauses and litigation care
- Care for the declaration of land as reforestable
- Care for lifting the reforestable nature of forest land and leasing of state land to third parties for reforestation
- Handling of issues concerning hunting, science of fish culture in mountainous flow waters, controlled hunting areas and hunting unions
- Organization and operation of state forest industries
- Protection of chases, fish catch and mountainous flow waters
- planning of agricultural development and implementation of agricultural policies
- Stock farming and fishery issues
- Supervision and taking of necessary measures for the smooth operation of the local self-administration organizations of the first and second degree
- Technical support to Municipalities and Communities
- Implementation of administrative decentralization systems
- Border definitions and alterations of Municipalities and Communities
- Legitimacy inspection on all collective instruments actions of Municipalities and Communities
- Audits on the elective instruments of the local self-administration organizations
- Budget audits of Municipality and Community Institutions, etc.
- Orders to audits of the cash management of Municipalities and Communities
- Supervision and taking-over of works of Municipalities and Communities
- Supervision on public entities (within the authority of the Region's Secretary General)
- programme planning for the improvement of the administration of the Region's services and development of informatics systems
- Issues on National Legacies
- Actions provided by the electoral legislation
- Application of the current Law 2910/01, concerning residence permits of foreigners in Greece, examination of issues on the acquisition of the Greek nationality and verification or non verification of the Greek nationality pursuant to the current legislation
- Issues on National Legacies
- Particularization and observation on the implementation of social integration of fellow countrymen and foreigners in the Region
- Formation and operation of Immigration Committees
- Exercise of authorities concerning tourist accommodations, tourist offices and coherent tourist enterprises, thermal springs (e.g. supervision of hotels, granting of licenses, special operation marks, names to hotel accommodations, brand names to enterprises of tourist professions, instructions, guidelines and information to tourist enterprises and to tourist professionals, etc.)
- Inspection, control and imposing of sanctions on tourist enterprises etc.
- Planning and organization of issues on prevention, information and handling of natural, technological and other disasters or emergencies
- Coordination of all services in the Region as well as in the public and private sector for the securing of alertness, handling of disasters and damage compensations during peace.

The decentralization in Greece was not effective in general and did not bear the anticipated results. Since the '50s we have a strong influx of foreign and domestic immigration. In the '80s the foreign immigration took an end and many immigrants returned to Greece. However the domestic immigration still continues. Urbanism and depopulation of the countryside takes up unceasingly. Big cities such as Athens and Thessaloniki, with better infrastructure in health, education and enterprising, continue to attract people from small regions, which become an abandoned scenery. Work force is being dismissed in the countryside mostly by the primary sector (agriculture, stock farming), consequently increasing the unemployment in the big urban areas.

The decentralisation process in the Republic of Croatia

Contribution from Local Democracy Agency (LDA) of Verteneglio (Istria)

Autor: Patrizia Bosich (LDA Verteneglio)

1. THE CENTRALISED SYSTEM IN CROATIA 1990-2000

After the dissolution of Yugoslavia, the independence of the Croatian state and the first elections there was the transition of the political system from the one-party to a multi-party system and a strong need to reorganise the administrative system appropriate for an independent state that entered in a democratic political system and free market economy.

However the '90 in Croatia were characterised by the lasting of institutional habits and models of thinking specific of the past system that was underlining the centralised aspect of the public administration and a strong dependence from the executive authorities. Under such framework interests emerging from regional and local differences were neglected, thus developing the fast expansion and extraordinary concentration of the Croatian state administration.

In 1992 the system of local self-government was enacted through the Act on Local self-government and Administration⁵, after which were held in 1993 the first elections in accordance with the new system. 21 Counties (Županija) have been established that had to represent the mid-level between the central government and the local one, a step in front of the basic level of municipalities and towns. But in that occasion primarily represented interests of the central state and only secondarily had the function of bodies of local self-government. They did not bring any essential change in the extraordinary centralist political order of Croatia.

After the cessation of extraordinary circumstances caused by war and the results of elections held in 2000, followed the first steps of the accession process of Croatia in the Stability Pact, which opened the possibility of recognition of the need to a major reform of the system of state administration and local self-government.

2. CHANGES IN 2000 WITH THE NEW GOVERNMENT

After the 3rd January 2000 the new coalition Government of Croatia has announced the activity program for the mandate period 2000-2004. The program was coming out from a specific aim: democratisation of the political system and the whole Croatian society, on one hand, and the accession of Croatia in the euro-atlantic integration on the other.

In the complex of strategies that the Croatian Government had to prepare and start realising, decentralisation was one of the main priorities. In the programming document of the Government there was defined the wish to promote the process of decentralisation of the public administration and services along with the fostering of the development of local and regional self-government and the territorial reorganisation of the country.

⁵ Official Gazette, No. 90/92

The first phase of the overall reform started with the constitutional changes in December 2000, which represented the platform for the execution of the decentralisation strategy. Additional amendments introduced significant changes in the system of local and regional self-government. Explicitly it was included the right for citizens to have a regional self-government exercised through the counties (*županija*), that are defined as units of regional self-government (Part VI, Article 132). The framework of competencies in supervision of the local self-government, defined by the constitution, was extended to primary health care, education and primary school, consumer protection, fire brigades and civil defence (Article 134). There was also included the duty to help financially weaker units of local self-government (Article 137), and relevant the principle of subsidiarity in the division of affairs and jurisdiction of local self-government, respectively the principle that during the division of such affairs it would have the priority those organs nearer to the citizens (Article 134).

3. LOCAL AND REGIONAL SELF-GOVERNMENT AND ADMINISTRATION

The system of local self-government in Croatia was established in 1992 but from the real beginning it has been deprived of its competence, independence and financial means for independent initiatives. Municipalities and towns have become clients for central funds losing the power for decisions on their allocation while local units have been left without abundant revenue sources.

Croatia ratified the European Charter on local self-government in September 1997 (Official Gazette, International Agreements, No.14/97) and has “adopted the minimum 20 of the 30 paragraphs in Part 1 of the Charter. Due to constitutional and practical impediments at the time of signature and ratification, Croatia chose not to subscribe to ten paragraphs although it is now essentially in compliance or partial compliance with several of them“⁶.

In order to have a fully sustainable approach to local self-government there should be accepted and incorporated also the other dispositions of the Charter, as the ones that affirm the principle of subsidiarity.

Hence a reform of the system of local and regional self-government must be one of the priorities within the framework of the internal policy of the Republic of Croatia with the aim of strengthening the system.

Local self-government should also be both a substitute for the function of central authority and a kind of counter-balance to it. In other words this means that local self-government should be established in such a way that legitimate local interests are acknowledged and respected, as they may sometimes be different from those of the state, that the citizens participate more intensively in the process of decision making and identification of problems, that the citizens also take responsibility in the execution of public matters, which would eventually reduce the concentration of central government political power.

The Croatian system of local self-government is undergoing a serious financial, administrative and political crisis. A new legal framework for the operation of local self-government has been adopted in April 2001; however the decentralisation problem is far from being resolved.

According to the Law on local and territorial (regional) self-government (Official Gazette 33/01), Article 3, units of local self-government in Croatia are municipalities and towns, and units of regional self-government are counties.

⁶ Compliance of the Croatian legislative framework with the European Charter on local self-government, The Urban Institute, Zagreb, 2005

The municipality is the unit of local self-government that is founded for a territory that comprises more populated places that represent a natural, economic and social whole (Article 4). The city is the unit of local self-government that is the seat of the county and each place with more than 10000 inhabitants, and represents an urban, historic, economic and social whole. (Article 5)

The county is the unit of territorial (regional) self-government which territory represents a natural, historic, economic, traffic infrastructure, social and self-governed whole, and is founded in order to reply to regional interests (Article 6).

There are now about 132 towns, 425 municipalities, with the total of 548 local unit, and 21 counties.

The fields of services in competence of the municipalities and towns are defined in the Article 19 and are affairs of local interests by which are realised necessities of citizens, and that are not by Constitution or law given to state administrative bodies:

- Organisation of localities and housing,
- Spatial and urban planning,
- Public utilities (water supply, electricity, gas, sewage, other),
- Child care,
- Social welfare,
- Primary health services,
- Education and elementary schools,
- Culture, physical education and sports,
- Consumer protection,
- Environmental protection and enhancement,
- Fire protection and civil defence.

According to the Article 20. counties shall carry out affairs of regional significance related to:

- Education,
- Health service,
- Spatial and urban planning,
- Economic development,
- Traffic and traffic infrastructure,
- Planning and development of network of educational, health, social and cultural institutions.

The differentiation of competencies between the state and self-government, the establishment and stabilisation of institutions for political representation in local self-government, the executive aspect of local self-government and other such problems should be considered in the immediate and also long-term perspective.

To provide the function of the local self-government it is necessary to bring the Statute. The Constitution of the Republic of Croatia, article 129, subsection 2, stipulates that their statutes in conformity with the Law shall regulate the organization and responsibilities of the bodies of local self-government units. The Law on the Local and Regional Self-Government, in the article 8, stipulates that the local self-government units have their own statute and what to regulate with it.

The number of municipalities and regions in Croatia is not sustainable and represents a high charge for the national budget. Small units of local self-government simply are not sufficient in the financing of their recurring expenditures or to provide basic services in their competence. The result is a strong dependence from the national budget that brings, in contrary with the territorial decentralisation, to a real centralisation of the state administration.

Taking in consideration the fact that the level of development of local and regional units is mostly diverse, it is necessary to find models of financing in order to satisfy local needs and to reach a general unified standard. It is necessary to reach a high level of fiscal decentralisation, that is possible only in the case local units have enough own incomes for the financing of public services in their competence, that is not the Croatian case.

4. THE DECENTRALISATION STRATEGY – A LONG AND DEMANDING PROCESS

In July 2000 the Government of the Republic of Croatia established the *Office for the development strategy of the Republic of Croatia* as its expert service with the duty to co-ordinate work on preparing, developing and implementing the strategic guidelines of the Government Program, to prepare strategic development documents and to provide the preconditions for the development and implementation of the Project on the Development Strategy “*Croatia in the 21st Century*”. This Project comprised 19 different areas related to economic and social life.

The Decentralisation strategy within the Development Strategy pointed out from the mission of a further development of public administration that had to manifest a higher openness to the world differentiation, higher self-operativeness, improve the status of public employees (specially at local level), division of power and decentralisation of political and public system.

The main objective of this strategy was the complete reform of the system of public services that had to make possible a cheaper and effective meeting of basic needs of citizens and improve the level of social standard. The first phase of the complete reform has started with the mentioned approval of changes in the Constitution in 2000 that represented the platform for starting up the decentralisation strategy.

The project was in the first place directed on issues that are considering local and regional self-government, considering in first term the redistribution of authority and power, in the way to approach the system from centralised to decentralised, to democratic systems of Western Europe, and in this way to complete the expectations of the Council of Europe about the ratification of the European Charter on Local Self-government.

By the end of 2003 there were adopted by the Parliament strategy documents for nine areas within the Development strategy: information and communication technology, environmental protection, the arts [culture], macroeconomics, national security, energy and food, pensions system and welfare, science, as well as agriculture and fishery.

The new Government didn't carried out with the Project on the Development Strategy “*Croatia in the 21st Century*” and no activities towards the implementation of the previously adopted strategies have been made, but with the objective of the reform of the local self-government, as one of the adjustment criteria of the state administration to the European standards, in December 2004, was brought the Framework of the decentralization Programme for the period 2004-2007. The implementation of the Framework programme is coordinated by the Commission for the decentralisation.

Objective of the Programme is the definition of the modality for a selective transfer of the assignments and competences on the units of local and regional self-government, that is followed also with the financial support in order to assure a major independence and influence of local units in the decision making process of significant issues.

In order to realise the further step in decentralization it was essential to consider the reality of the different economic and administrative strengths of the units of local self-government. The Law on modifications and integrations to the Law on local and territorial (regional) self-government (129/05) came into force on the 8th of November 2005.

At the same time since 2000 domestic or foreign institutions with the objective to develop a decentralisation process in specific areas have carried out a lot of programs and projects (i.e. Project on the Reform of Local self-government and Administration – The Urban Institute (USA), Local Financing and Local Budgets in the Republic of Croatia – the Institute for Public Finances (Croatia), Decentralisation of public administration – implemented by the Croatian Law Centre, financed by the Open Society Institute – Croatia, etc.).

5. CBC AND INTERREGIONAL CO-OPERATION

The real and direct actors in the process of transfrontier co-operation and European integration have to be local and regional players as citizens, enterprises, NGOs and local or regional governments. Local and regional authorities and institutions, as well as the Civil society and private actors in Croatia have a strong will to co-operate with various partners abroad and consider very positively such initiatives.

Legal bases for transfrontier or interregional co-operation in Croatia, for local and regional units of self-government are defined in the Constitution and in the Law on local and territorial (regional) self-government.

The Articles 14, 15, 16, 17 of the mentioned Law, define co-operation of municipalities, towns and counties with units of local and regional self-government from other countries.

Municipalities, towns and counties can co-operate with their counterparts abroad. The decision of establishment of common co-operation, i.e. the signature of an agreement (contract, convention, and memorandum) can be brought by the representative body of the local or regional unit. After the signature the agreement, redacted in both languages, have to be delivered to the central state administration unit responsible for regional and local self-government that have to check the legality of such decision, or can suggest to the Government the abolishment of it.

Croatia signed, in 1999, but did not ratify the European Outline Convention on Transfrontier Cooperation between Territorial Units or Authorities (Madrid Convention).

The decentralisation process in Bosnia-Herzegovina

Contribution from SERDA (Sarajevo Economic Region Development Agency)

Autors: Prof. Drogoljub Stojanov and Prof. Jasmina Osmankovic (University of Sarajevo)

INTRODUCTION

Bosnia and Herzegovina, Serbo-Croatian *Bosnia i Hercegovina*, country (2005 est. pop. 4,025,000), 19,741 sq mi (51,129 sq km), on the Balkan peninsula, S Europe. It is bounded by Croatia on the west and north and Serbia and Montenegro on the east. A narrow, undeveloped outlet to the Adriatic along the Neretva River in the southwest is its only direct outlet to the sea. The country is commonly referred to as Bosnia. Sarajevo is its capital.

GDP:	Purchasing power parity - \$26.21 billion (2004 est.)
GDP - real growth rate:	5% (2004 est.)
GDP - per capita:	Purchasing power parity - \$6,500 (2004 est.)
GDP - composition by sector:	<i>agriculture</i> : 14.2% <i>industry</i> : 30.8% <i>services</i> : 55% (2002)
Labour force:	1.026 million (2001)
Labour force - by occupation:	agriculture NA, industry NA, services NA
Unemployment rate:	44% officially; however, grey economy may reduce actual unemployment to near 20% (2004 est.)
Population below poverty line:	25% (2004 est.)

See: www.answers.com

International organization participation BIS, CE, CEI, EBRD, ECE, EC, FAO, G-77, IAEA, IBRD, ICAO, ICt, IDA, IFAD, IFC, IFRCS, ILO, IMF, IMO, Interpol, IOC, IOM (observer), ISO, ITU, NAM (guest), OAS (observer), OIC (observer), OPCW, OSCE, SECI, UN, UNCTAD, UNESCO, UNIDO, UNMEE, UPU, WHO, WIPO, WMO, WT_oO, WTrO (observer).

The Sarajevo Economic Region consisting of 32 municipalities. The total surface of the region is 8.699,9 km², where according to the estimations live 703.912 inhabitants. There is not macroeconomic data and main traditional and new economic measures Sarajevo region. The SERDA Agency exists since May 2003.

Stakeholders from City of Sarajevo, Canton Sarajevo, municipalities Centre, Trinova, Pale, Republics Srpska, Banjaluka, Tuzla, Brčko, Goražde, from all part Bosnia and Herzegovina and from local to international level. Stakeholders come from private business sector, banks,

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associations, chambers, public sector, university, research centre, faculty, and consulting, non governmental organisation.

CONSTITUTION OF BOSNIA AND HERZEGOVINA

Article III

Responsibilities of and Relations between the Institutions of Bosnia and Herzegovina and the Entities

1. Responsibilities of the Institutions of Bosnia and Herzegovina

The following matters are the responsibility of the institutions of Bosnia and Herzegovina:

- Foreign policy.
- Foreign trade policy.
- Customs policy.
- Monetary policy as provided in Article VII.
- Finances of the institutions and for the international obligations of Bosnia and Herzegovina.
- Immigration, refugee, and asylum policy and regulation.
- International and inter-Entity criminal law enforcement, including relations with Interpol.
- Establishment and operation of common and international communications facilities.
- Regulation of inter-Entity transportation.
- Air traffic control.

2. Responsibilities of the Entities

- a) The Entities shall have the right to establish special parallel relationships with neighbouring states consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina.
- b) Each Entity shall provide all necessary assistance to the government of Bosnia and Herzegovina in order to enable it to honour the international obligations of Bosnia and Herzegovina, provided that financial obligations incurred by one Entity without the consent of the other prior to the election of the Parliamentary Assembly and Presidency of Bosnia and Herzegovina shall be the responsibility of that Entity, except insofar as the obligation is necessary for continuing the membership of Bosnia and Herzegovina in an international organization.
- c) The Entities shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for the internationally recognized human rights and fundamental freedoms referred to in Article II above, and by taking such other measures as appropriate.
- d) Each Entity may also enter into agreements with states and international organizations with the consent of the Parliamentary Assembly. The Parliamentary Assembly may provide by law that certain types of agreements do not require such consent.

3. Law and Responsibilities of the Entities and the Institutions

- a) All governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities.
- b) The Entities and any subdivisions thereof shall comply fully with this Constitution, which supersedes inconsistent provisions of the law of Bosnia and Herzegovina and of the constitutions and law of the Entities, and with the decisions of the institutions of Bosnia and Herzegovina. The general principles of international law shall be an integral part of the law of Bosnia and Herzegovina and the Entities.

4. Coordination

The Presidency may decide to facilitate inter-Entity coordination on matters not within the responsibilities of Bosnia and Herzegovina as provided in this Constitution, unless an Entity objects in any particular case.

5. Additional Responsibilities

- a) Bosnia and Herzegovina shall assume responsibility for such other matters as are agreed by the Entities; are provided for in Annexes 5 through 8 to the General Framework Agreement; or are necessary to preserve the sovereignty, territorial integrity, political independence, and international personality of Bosnia and Herzegovina, in accordance with the division of responsibilities between the institutions of Bosnia and Herzegovina. Additional institutions may be established as necessary to carry out such responsibilities.
- b) Within six months of the entry into force of this Constitution, the Entities shall begin negotiations with a view to including in the responsibilities of the institutions of Bosnia and Herzegovina other matters, including utilization of energy resources and cooperative economic projects

CONSTITUTION OF FEDERATION BOSNIA AND HERZEGOVINA

Responsibilities shared the Federation of BiH as one of BiH entities with cantons,

- guarantee and enforcement of human rights;
- health;
- environmental policy;
- communications and transport infrastructure,
- social policy;
- the implementation of laws and other regulations regarding citizenship,
- immigration and asylum;
- tourism;
- the use of natural resources.

The Constitution of Canton (Sarajevo) is responsible for:

- the establishment and supervision of police forces;
- the confirmation of education policy, including adaptation of education regulations and ensuring education;
- the determination and implementation of cultural policy;

- the determination of housing policy, including adaptation of regulations related to the development and construction of residential buildings;
- the determination of policy regarding the regulation and provision of public services;
- the adoption of regulations on the use of local land, including zoning;
- the adoption of regulations on the improvement of local business operations and charities,
- the adoption of regulations on local power plants and ensuring their accessibility;
- the determination of policy ensuring radio and television, including adoption of regulations and ensuring their operation and development;
- the implementation of social policy and the establishment of social welfare services;
- the establishment and implementation of tourism policy and the development of tourist resources;
- creating the conditions for optimal economic development, appropriate for an urban environment;
- financing the activities of Cantonal authorities or Cantonal agencies from taxation, borrowing or other sources.

CONSTITUTION RS

Article 102

The municipality shall, through its bodies, and in accordance with the law: enact a development program, urban planning, budget and annual balance sheet;

1. regulate and ensure performing of the municipal activities;
2. regulate and ensure the use of urban construction sites and business premises;
3. take care of construction, maintenance and use of local infrastructure, and other public facilities of importance to the municipality;
4. take care of meeting specific needs of citizens in the areas of culture, education, health and social welfare, physical culture, public information, handicrafts, tourist trade and catering services, environment protection and other areas;
5. execute laws, other regulations and general enactments of the Republic whose execution is entrusted to the municipality, provide for the execution of regulations and general enactments of the municipality;
6. establish agencies, organisations and services to meet the needs of the municipality, and regulate their organisation and work;
7. attend to other business as established by the Constitution, the law and the statute of the municipality.

The system of local government shall be regulated by law. The performance of tasks of local government may be entrusted to the city by law.

THE DECENTRALISATION PROCESS IN BOSNIA-HERZEGOVINA

Bosnia and Herzegovina is divided into two entities: Republics Srpska and the Federation of Bosnia and Herzegovina. The Federation of Bosnia and Herzegovina covers some 51% of Bosnia and Herzegovina's total area, while Republic Srpska covers around 49%. The entities were officially established by the Dayton peace agreement in 1995 due to tremendous changes in Bosnia and Herzegovina's ethnic structure.



Since 1996 the power of the two has decreased significantly entities compared to the federal government. Nonetheless, entities still keep numerous competences.

A part the Republics Srpska and the Federation of Bosnia and Herzegovina, in the North of the country there is another entity, the Brčko federal district created in 2000. Officially, it belongs to both entities but is governed by neither of them. On the contrary, it is organised on a decentralized system of local government. With a level of prosperity far above national averages and a multiethnic population, the Brčko district is widely considered a model for future restructuring of Bosnia and Herzegovina's political subdivisions.

The third level of Bosnia and Herzegovina's political subdivision is represented by 10 cantons. All of them have their own cantonal government, which is under the law of the Federation as a whole. Some cantons are ethnically mixed and special rules ensure the equality of all the constituent peoples.

The fourth level of political division in Bosnia and Herzegovina is composed by the municipalities. The country consists of 137 municipalities, of which 74 are in the Federation of Bosnia and Herzegovina and 63 in Republics Srpska. Municipalities have also their own local government and are typically based around the most significant city or place in the region. Each canton consists of several municipalities. The municipalities themselves are further divided into local communities. Besides entities, cantons, and municipalities, Bosnia and Herzegovina has also four "official" cities: Banja Luka, Mostar, Sarajevo, and East Sarajevo. The territory and government of the cities of Banja Luka and Mostar correspond to the municipalities of the same name, while the cities of Sarajevo and East Sarajevo officially consist of several municipalities. Cities have their own city government

CRITICAL ASPECTS OF DECENTRALISATION IN BIH

The fact that Bosnia and Herzegovina ratified the European Charter on local self-governance puts the state under obligation to ensure independence and enabling local authorities to govern public businesses under their own responsibility and in the interest of the local population.

The Constitution of the Federation B&H established the local authorities as the third level of government, but it did not execute the horizontal - internal decentralization between the cantonal and local authorities. Executing public affairs close to the citizens by the municipal authorities confirms the autochthon character of a municipality and emphasizes its self-governing property.

The Constitution and legal regulations on jurisdiction of local authorities must be coordinated with the European Charter on local self-governance in order to ensure that local authorities are in control of public affairs and in particular of: urban planning, building and renovation, housing, communal activities, communal infrastructure, social care, management of the local development land, ensuring the safety of property and people and the public order and peace, establishing of communal police forces, managing of land rent, as well as other affairs that are entrusted to the local authorities in other European countries.

The Republics Srpska is in a similar situation, where the central level of authority between the central and local authorities does not exist, and the seniority of the republic bodies is more than evident, the local authorities depend on the republic fiscal policy, and they do not have the authority to regulate relationships in the areas entrusted to them. The new law on self-governance does not ensure the autonomy of local authorities, the seniority is still dominant, the principle of proportionality of executing governing monitoring is being broken, the possibility of the government for dismantling the municipal council is in complete disharmony with all the principles of autonomy of local authorities determined by the European Charter on local self-governance. Republic bodies as well as the units of local self-governance - municipalities and cities - deny the legality to Bosnia and Herzegovina in signing and ratifying international agreements, conventions and charters from 1994, they negate achievements and deprive Bosnia and Herzegovina of the benefits in joining European institutions.

In the Federation, the influence of the cantonal authorities on social, political and parliamentary life is influential. Cantons do not allow the establishment of democracy through institutions of local self-governance.

Our system of local democracies as a typical form of territorial decentralization of authority should have all the attributes and characteristics of a system of local self-governance established in Europe by implementing the European Charter on local self-governance. In other words, the aim is not the redistribution of authorities between the State, entities, cantons and municipality, but to place financial resources at their disposal, allowing a strategy of development, and a self-regulating code of ethic.

Le processus de décentralisation au Maroc

Contribution from Tanger/Tetouan Region

Autor : Youssef Bennouna (Chamber of Commerce of Tétouan)

INTRODUCTION

Le processus de décentralisation au Maroc est ponctué par l'adoption de plusieurs édits royaux, du début des années 60 et l'organisation des communes, préfectures, et provinces, à la révision de la constitution en 1992 qui élève la région au statut de collectivité locale, en passant par l'octroi à la commune du statut d'acteur privilégié du développement local, en 1976. Toutefois, le pouvoir dévolu aux élus locaux reste encore aujourd'hui très limité. C'est la raison pour laquelle, à la demande unanime de la classe politique marocaine, le ministère de l'intérieur a élaboré en 2001 une nouvelle charte communale. Le nouveau texte met l'accent sur la formation des "présidents de commune" (l'équivalent des maires français), l'interdiction du cumul des mandats exécutifs locaux et la clarification des domaines de responsabilités. Le champ des arrêtés municipaux est plus étendu qu'auparavant et comprend notamment l'éducation, l'hygiène et la santé. Seul l'ordre public resterait du domaine de l'autorité de tutelle, en l'occurrence le gouverneur, dont l'aval préalable nécessaire jusqu'alors à toute décision émanant d'un président de commune serait remplacé à l'avenir par un contrôle a posteriori.

LA DECENTRALISATION EFFECTIVE DES POUVOIRS SELON LE NIVEAU TERRITORIAL

Régions

La région coordonne l'aménagement du territoire des provinces et des préfectures de son ressort. Ses moyens et pouvoirs demeurent cependant limités. Le conseil régional est élu au suffrage universel indirect, et au scrutin de liste à la représentation proportionnelle. Le gouverneur, organe exécutif représentant de l'Etat, doit dans de nombreux domaines recueillir l'approbation de l'Etat pour mettre à exécution les délibérations du conseil régional.

Préfectures et provinces

Les préfectures et provinces constituent l'échelon privilégié de l'administration locale. Dans la pratique, les pouvoirs de l'assemblée délibérante demeurent cependant restreints en raison de ressources limitées, et du pouvoir de tutelle exercé par le ministère de l'intérieur. Le gouverneur est l'organe exécutif.

Communes

La commune est l'échelon décentralisé le plus ancien. Le pouvoir délibérant est détenu par le conseil communal, dont le nombre de membres varie entre 11 et 41 selon la taille de la commune. Les conseillers municipaux doivent assurer le "développement économique, social, et culturel" de la collectivité (art. 30 du dahir du 30/09/76). L'exécutif de la commune est le bureau, dont le président doit exécuter certaines tâches au nom de l'Etat, en sus de ses fonctions liées aux affaires locales. La loi communale de 1976 définit les domaines dans lesquels l'Etat exerce une sur les actes des communes. L'approbation préalable est ainsi requise pour les délibérations dans les domaines clé de

la gestion locale (budget communal, emprunts à contracter et garanties à consentir, règlements généraux de voirie, de construction et d'hygiène...).

PRESENTATION GENERALE DES COLLECTIVITES LOCALES

Les collectivités locales au Maroc sont, selon la constitution du 7 octobre 1996 " les régions, les préfectures et les provinces et les communes. Toute autre collectivité locale est créée par la loi. Elles élisent des assemblées chargées de gérer démocratiquement leurs affaires ".

Les régions, les préfectures, les provinces et les communes sont des collectivités territoriales, dotées de la personnalité morale et de l'autonomie financière.

- L'organisation des communes est régie par le dahir portant loi du 30 septembre 1976, qui a abrogé et profondément révisé le premier régime communal institué au lendemain de l'indépendance par la charte communale du 23 juin 1960 ;
- Les communes se subdivisent en communes urbaines dites aussi municipalités et en communes rurales ;
- L'organisation et le fonctionnement des assemblées des préfectures et des provinces, érigées en collectivités locales par la première constitution de 1962 ; sont régis par le Dahir du 12 septembre 1963. le Maroc compte aujourd'hui, 71 préfectures et provinces (26 préfectures et 45 provinces) ;
- Les régions ont été érigées en collectivités locales par la constitution de 1992 ; le dahir du 2 avril 1997 en fixe l'organisation.

➤ Nombre de préfectures, de provinces et communes par régions :

Régions	Nombre de préfectures	Nombre de provinces	Nombres de communes		
			Urbaines	Rurales	Total
Oued-Ed Dahab-Lagouira	-	2	2	11	13
Laâyoune-Boujdour-Sakia El Hamra	-	2	4	10	14
Guelmim-Es-Semara	-	5	11	49	60
Sous-Massa-Draâ	2	5	27	212	239
Gharb Chrarda-Bni Hssen	-	2	12	61	73
Chaouia-Ourdigha	-	3	15	106	121
Marrakech-Tensift-Al Haouz	3	4	18	198	216
Oriental	9	5	25	91	116
Grand Casablanca	1	-	29	6	35
Rabat-Salé-Zemmour-Zaër	4	1	17	40	57
Doukala-Abda	-	2	12	77	89
Tadla-Azilal	-	2	9	73	82
Meknès-Tafilalet	2	4	25	111	136
Fès-Boulmane	3	2	15	48	63
Taza-Al Hoceïma-Taounate	-	3	15	118	133
Tanger-Tétouan	3	3	13	87	100
Total	27	45	249	1298	1547

Collectivités locales en chiffres 2000

➤ **Evolution de la population par région:**

Régions	RGPH (en milliers)	1999 (en	2000 (en
		milliers)	milliers)
Oued-Ed Dahab-Lagouira	37	46	48
Laâyoune-Boujdour-Sakia El Hamra	176	202	207
Guelmim-Es-Semara	386	417	424
Sous-Massa-Draâ	2636	2093	2961
Gharb Chrarda-Bni Hssen	1625	1774	1806
Chaouia-Ourdigha	1554	1612	1628
Marrakech-Tensift-Al Haouz	2724	2911	2951
Oriental	1769	1860	1877
Grand Casablanca	3082	3369	3431
Rabat-Salé-Zemmour-Zaër	1986	2227	2280
Doukala-Abda	1793	1908	1934
Tadla-Azilal	1325	1416	1435
Meknès-Tafilalet	1904	2038	2065
Fès-Boulmane	1322	1483	1517
Taza-Al Hoceïma-Taounate	1720	1799	1815
Tanger-Tétouan	2036	2273	2326
Total	26 074	28 238	28 705

➤ **Répartition des compétences**

Le dahir de 1976 définit les compétences communales dans des termes assez généraux. La répartition des compétences entre les différentes autorités locales, décentralisées ou déconcentrées n'est pas encore claire.

Collectivité		
Collectivité locale	Organe délibérant	Organe exécutif
La région	Le conseil régional élu au suffrage indirect à partir de plusieurs collèges de base	Le gouverneur de la préfecture ou de la province du chef-lieu de la région, désigné par dahir
La province ou préfecture	L'assemblée provinciale ou préfectures élue au suffrage universel indirect à partir du collège des conseillers communaux et des collèges des chambres professionnelles	Le gouverneur de la préfecture ou de la province désigné par dahir
La commune	Le conseil communal élu au suffrage universel direct pour 6ans	La président du conseil communal élu par ses membres par le conseil communal

➤ Découpage administratif :

La région Tanger-Tétouan fut créée suite à la promulgation de la loi n° 47/96 relative à l'organisation de la région et au décret n° 2.97.246 du 17 Aout 1997 fixant le nombre des régions (16), leur ressort territorial ainsi que le nombre de conseillers à élire.

La région Tanger-Tétouan est composée par :

1. La Wilaya de Tanger :

- La Préfecture de Tanger-Assilah
- La Préfecture de Fahs Anjra

2. La Wilaya de Tétouan :

- La Province de Tétouan
- La Préfecture M'diq Fnideq
- La Province de Chefchaouen
- La Province de Larache

La préfecture et province constituent des unités fondamentales dans l'organisation, la gestion et l'encadrement du territoire marocain. Les autres unités territoriales sont constituées des communes rurales, des communes urbaines ainsi que des Conseils de la ville (Mairies) pour les villes qui ont plus de 500.000 habitants.

Province/Préfecture	Cercles	Caïdats	C.Urbaines	C.Rurales	Total communes
Chefchaouen	4	12	1	33	34
Larache	2	6	2	17	19
Tanger-Assilah	1	4	3	8	11
Fahs Bni Makada	1	3	1	4	5
Tétouan	2	7	6	25	31
Total de la régional	10	32	13	87	100
Total national	-	-	249	1 298	1547

Source : B.O n° 4472 du 10 Avril 1997

➤ Répartition des compétences (Loi n° 47-96 du 2 Avril 1997)

La région Tanger-Tétouan est une collectivité territoriale de plein exercice et un des principaux acteurs de la décentralisation au Maroc. A cet effet, le conseil régional joue un rôle primordial dans les secteurs de la vie régionale qui correspondent à ses compétences. Il entreprend des actions ou prend des mesures dans les domaines suivants :

- Etude et vote du budget ainsi que l'étude des comptes administratifs et leurs approbations selon les lois en vigueur ;
- Elaboration du plan de développement économique et social de la région ;
- Elaboration d'un schème régional d'aménagement du territoire ;
- Fixation du mode d'assiette, des tarifs et des règles de perception des taxes, redevances et droits divers perçus au profit de la région ;
- Promotion et encouragement des investissements privés (implantation et organisation de zones industrielles et de zones d'activités économiques);
- Décision de la participation de la région aux entreprises d'économie mixtes d'intérêt régional ou inter- régional ;
- Promotion de l'emploi et de la formation professionnelle ;

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- Promotion des activités sportives ;
- Protection et valorisation de l'environnement ;
- Rationalisation de la gestion des ressources hydrauliques au niveau de la région. A cet effet, le conseil participe à l'élaboration le plan directeur d'aménagement intégré du bassin versant partiellement ou totalement. Il contribue, par ailleurs, à la définition de la politique de l'eau à l'échelle nationale, quand l'instance chargée de ce secteur en fait la demande ;
- L'entreprise de l'ensemble des actions de nature à promouvoir les activités socio-culturelles ;
- Promotion et soutien des actions de solidarité sociale et celles ayant un caractère caritatif ;
- Préservation et promotion des spécificités architecturales régionales.

➤ La composition politique du conseil régional Tanger-Tétouan

Le conseil régional se compose de 90 membres élus pour la première fois en 1997. Le nombre très élevé d'élus et la multiplicité des collèges électoraux ont produit un paysage politique pluriel et assez représentatif de l'évolution du paysage politique du pays, avec, dans le cas de la Région, l'absence des élus dits SAP (sans appartenance politique).

➤ Répartition par collèges électoraux

Collèges électoraux	Total des sièges
Conseils communaux	38
Assemblées préfectorales et provinciales	13
Chambre d'agriculture	10
C.C.I.S	10
Chambre d'artisanat	6
Chambre des pêches maritimes	5
Syndicats	8
Total général	90

➤ Organisation de l'exécutif

○ Les membres du bureau :

Le bureau actuel est composé de 14 membres dont :

- Le président ;
- Neuf (9) vices présidents ;
- Un secrétaire du conseil et son adjoint ;
- Un rapporteur du budget et son adjoint.

Les traits distinctifs des membres du bureau sont liés à la qualité de leur formation scolaire (en majorité formation universitaire) et au fait qu'ils proviennent des différents secteurs d'activité. Ces deux caractéristiques les prédisposent à une plus grande efficacité dans la gestion des affaires de la région.

○ Les commissions :

Les commissions sont instituées par l'article 36 de la loi 47/96 relatif à l'organisation régionale et elles sont au nombre de 11. Elles statuent en tant qu'organe permanent autour des principaux thèmes que le conseil est appelé à traiter. A cet effet, le choix des présidents (commissaires) des commissions, s'est basé sur la compétence et l'itinéraire professionnel des membres élus. C'est dans ce contexte que l'ensemble des présidents bénéficie dans les thèmes traités par la commission d'une assez grande expérience. Et ce fait est généralisable au 11 commissions qui sont :

1. Finances et budgets ;
2. Plan et aménagement du territoire ;
3. Economique, social et promotion de l'emploi ;
4. Agriculture et développement rural ;
5. Santé et hygiène ;
6. Urbanisme et environnement ;
7. Culture, éducation et formation professionnelle ;
8. Jeunesse, sport et solidarité ;
9. Infrastructures, Transport et communications ;
10. Coopération internationale et inter-régionale ;
11. Pêche maritime.