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Devolution of public tasks
between (political) decentralisation and (administrative) deconcentration

- in comparative (European) perspective

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1. Concepts and definitions

1.1. Devolution, decentralisation, deconcentration

Modern States are typically “multi-level”/“multi-layer” politico-administrative systems whose intergovernmental structure and setting are made up of central government, meso/regional and local levels. The vertical distribution and devolution of powers and responsibilities constitute a crucial constitutional, political and organisational challenge.

With regard to the devolution of powers and responsibilities an analytically useful distinction can be made between *decentralisation* and *deconcentration*.

1.1.1 Decentralisation

Decentralisation has an intrinsically *political* implication in that by way of decentralisation powers and functions (as well as resources) are assigned to subnational bodies and actors that, in the intergovernmental setting, possess some political autonomy in their own right. The “decentralised” powers and tasks are typically exercised, within constitutionally and/or legally defined limits, by democratically elected decision-making bodies and politically accountable executives.

The decentralisation may, depending on the level concerned, come as regionalisation or municipalisation.

The politically most advanced form of *regionalisation* is *federalisation* which is premised on a vertical division of competencies that is laid down in the country’s (federal) constitution. A weaker form of regionalisation relates to vertical distribution of functions which is not entrenched in the constitution, but can be altered by “simple” national legislation.

Decentralisation of public functions to the local government level may be called *municipalisation*. In most countries it takes, for one, the form of a *general competence clause* according to which the local authorities have the power to act on “all matters of local relevance” – in their own responsibility.

One can speak of “full municipalisation” of public tasks insofar as the elected local council decides, without exception, on their conduct. Furthermore, regarding the exercise of “fully municipalised” by the local authorities the supervision by the State authorities is, as a rule, restricted to a mere legality review, that is, whether the local authorities have complied with the pertinent legal provisions. Under these conditions the status of the local government level vis-a-vis the central (and/or regional) government may be labelled “separationist” (see Leemans 1975, Wollmann 2000) in terms of a distinct institutional and functional line between the local and the upper (State) levels.

1.1.2. Deconcentration

By contrast with decentralisation (and its essentially *political* implications) *deconcentration* is an intrinsically *administrative* concept that captures the devolution of (administrative) functions from an upper to a lower (administrative) level or unit.

In its most blatant form administrative deconcentration takes place through the transfer of administrative tasks from an upper to a lower layer of unit of State administration, typically through the establishment of regional or local “field offices” of State administration. Similarly, the creation of central level (sectoral) agencies (self-standing but subordinated to the respective sectoral central ministry, as in the case of the “executive agencies” in the U.K.) are a variant of *deconcentration* (nota bene, not of decentralisation).

Another important type of deconcentration can be seen in what can be called “*limited municipalisation*” which is a peculiarity of the German-Austrian State and local government tradition (see Wollmann 2000: 45 ff.). Under its “duality of tasks” scheme, the local authorities can be mandated, besides carrying out their “genuine” local self-government responsibilities, to discharge public (State) tasks which are explicitly “delegated” to them. The implementation of such delegated tasks differs from that of “genuine” local government tasks particularly on two scores. For one, the elected local councils have no competence in the decision-making of or control over the delegated tasks the execution of which is entirely assigned to the local administration, that is, essentially to its chief executive. Second, the oversight by the state authorities goes much beyond the legal review and comprises the supervision on the expediency and appropriateness to the point of direct instruction and intervention. Under these premises the local administration and its chief executive may come

close to acting as local “agents” of state administration and to virtually “integrating” them in state administration. That is why, in contrasting it with the “separationist” scheme, this constellation has been classified as an “integrationist” model (see Leemans 1975).

1.2. *Functional and territorial reforms*

Finally, brief mention should be made of the distinction between functional and territorial reforms.

Functional reforms are characterised by the devolution of tasks (by way of decentratiation or deconcentration) upon lower political and/or administrative levels. In the transfer of (individual) tasks functional reforms have been guided by the principles of “one administrative space” (*Einraeumigkeit*) and “comprehensive administration” (*Einheit der Verwaltung*). In aiming at achieving an “all-purpose”/“multi-functional” profile of the pertinent political or administrative units, functional reforms have typically aimed at extending the multi-functionality of the local government level..

Territorial reforms which in many (West) European countries have been undertaken particularly during the 1960s and 1970s have been directed at arriving, by way of merging, amalgamating and territorially redrawing local government units, at a population and territorial size (and ensuingly at an administrative capacity) apt to cope with the “multi-functional” mandate of local government.

2. *The devolution of public tasks – between convergence and divergence – in a comparative (European) perspective.*

In the following a “nut-shell” overview shall be given on the trajectories the (vertical) devolution of public tasks on the local government level has pursued in the U.K., Sweden, France, and Germany – that is, in four countries which plausibly represent main types of (European) State and local government traditions. Needless to say that such brief overview is bound to be sketchy and also oversimplified.

2.1. *Great Britain/England*

While historically made up of three “nations” (England, Scotland and Wales), Great Britain has been ruled by central government as a unitary country. Essentially premised on the

fundamental territorial and organisational local government reform at the end of the 19th century which resulted in a two-tier local government structures (counties and districts) (see Wollmann 2004: 643) Great Britain became what has been called a “dual polity” (Bulpitt 1983) with a distinct vertical distribution of responsibilities: while the central government level (Parliament, “Whitehall”) was responsible for “high politics” (such as foreign policy, “running the Empire”, general legislation etc.), the local authorities and their elected councils were to deal with “low politics” (such as providing public utilities, social, health etc. services to the local population and local industry. So, in its “golden ages of local self-government” (Norton 1994: 352) which was much admired and envied in contemporary 19th and early 20th century Europe, Great Britain exemplified a remarkably decentralised country – with a multi-functional profile and “separationist” status of local government.

In the build-up of Britain’s modern welfare state, particularly after 1945, the local government level, on the one hand, lost important functions (health, energy, water supply) to nationalised agencies. On the other hand, its role in the delivery of welfare state (social) services was and its “separationist” autonomy was still largely preserved.

In 1974 the country’s two-tier local government structure underwent a massive territorial and organisational reform which brought the average population size of the districts up to 130.000 inhabitants, unparalleled in any other country (and criticised by many for its “over-size”, see Stewart 2000: 46).

Since the late 1980s, Great Britain’s central government level has experienced some *deconcentration* (nota bene: not *decentralisation*) by the creation of so called “executive agencies” meant to carry out executive tasks hitherto discharged by the central government ministries themselves. Furthermore, the country has been *decentralised* in 1998 by transforming Scotland and Wales into *regions* (with elected regional assemblies etc.), putting them, it has been said, on the “road to quasi-federalism” (see Wilson/Game 2006: 82). Yet, in England herself (where 85 percent of the U.K. citizens live) similar regionalisation has not progressed

On the contrary, England’s subnational/local space has experienced a process of massive *re-centralisation*, since 1979 under Conservative governments and since 1997 under New Labour..

- Central government has ridded the local authorities of crucial functions and has, instead, made increasing use of self-standing local organisations and actors (so called *quangos* = quasi non-governmental organisations) which operate outside local government and financially largely dependent on and also otherwise directed by central government (see Skelcher 1998). .
- The financial autonomy of the local authorities has been further curbed.
- In many policy fields the powers of central government (and its Secretaries of State) to directly intervene and “call in” local government decisions have been conspicuously widened.
- Under the Blair government a so called Best Value regime has been introduced which, as an instrument of central government-guided performance management, has put the local authorities under tight control (see Stewart 2003: 121 ff., Wilson/Game 2006: 361 ff.).

In sum, in the central government/local government relations England has undergone a sweeping re-centralisation.

2.2 Sweden

In Sweden`s unitary State the build up of its modern welfare state (“Swedish model”), particularly since 1945, has been characterised by a distinct distribution of functions between the central government and its two-tier local government levels. On the one hand, the central government level is largely concerned with policy-making (operating through strikingly small personnel staffs and acting also through a set of remarkably independent central level administrative agencies the emergence of which, *nota bene*, dates back to the 18th century, see Petersson 1994: 100 ff.). On the other hand, however, most of the public tasks are carried by the municipalities (*kommuner*) and (focussed on the public health system) by the counties. While only 17 percent of the country total public sector workforce are employed by the central government (and the central level agencies), 60 percent are municipal employees and another 25 percent county employees. Dating back to the introduction of Sweden`s modern two-tier local government system in 1862, the municipalities and counties have the right and responsibility to finance their tasks predominantly through their own local taxes which buttresses their autonomy.

In 1952 and 1974 the Swedish national parliament decided to carry through large-scale territorial reforms of the municipalities bringing their average size, in 1974, to some 34.000

inhabitants (see Norton 1994: 37 ff.). These territorial reforms strengthened the territorial basis for the municipalities to discharge their multi-functional responsibilities as the country's "local welfare state" (see Pierre 1994). Furthermore, they paved the ground for devolving further public tasks upon them, particularly since the early 1990s in the fields of (primary and secondary school) education and care of the elderly (see Premfors 1998).

Highlighting Sweden's, by international comparison, unusually high degree of decentralisation

- all public tasks that are assigned to the local authorities are regarded and treated as genuine, "fully municipalised" local government tasks which fall, without exception, under the responsibility and control of the elected local councils
- in carrying out their "fully municipalised" tasks the local authorities are subject only to the legal review by the state authorities which does not comprise the expediency or appropriateness of their decisions and activities.
- It should be added that, in Sweden's legal system, the regulation, by national legislation, of the local authorities in the exercise of their responsibilities is, by international comparison, remarkably "thin".

These factors, not least their financial autonomy, add up to what can be interpreted as an exemplary case of a "separationist" status of the local authorities in the intergovernmental setting.

2.3. France

Among (West) European countries, France has traditionally been almost the epitome of a centrally governed unitary state in which State's administrative units on the regional level of the some 100 *départements* under the direction of a centrally appointed civil servant (*préfet*) served as the regional backbone of centralist ("Napoleonic") rule, while the two-tier system of local authorities (with elected councils on the departmental level and in the municipalities, *communes*) played (except for the big cities) an all but marginal role well unto the mid-20th century, being functionally "integrated" into State structure (see Wollmann 2004: 655 f., Hoffmann-Martinot 2006).

When in the early 1970s, in line with other European countries, the central government embarked upon a territorial reform of the myriad of (small and smallest) municipalities it conspicuously failed (in the face, first of all, of the resistance of local mayors), thus leaving

the boundaries of the 35.000 municipalities (with an average size of 1.700 inhabitants) unchanged.

In view of the multitude of small municipalities and their lack of administrative capacity to handle local matters themselves legislation was introduced as early as 1890 to provide them with institutional forms of intercommunal cooperation (*Etablissements publics de coopération intercommunale*). With the creation of *communautés urbaines*, in the 1960s, additional intercommunal cooperation patterns have been put in place. Hence, *intercommunalité* has become a specific and downright “exceptionalist” feature of France’s subnational/ local world (see Marcou 2000)..

In 1982, under socialist government, France moved towards a secular decentralisation of its centralist (“Napoleonic”) state organisation by devolving some crucial state functions (particularly social policy responsibilities) primarily to the self-government bodies (*conseils généraux*) on the *départements* level, while the transfer to the municipalities (*communes*) was, probably because of their limited administrative capacity, quite meagre. In 2003, in a new round of decentralisation (“Acte II”), it was, in a constitutional amendment, explicitly recognised that France is a “decentralised republic” and further decentralisation steps were taken, again benefiting first all the *départements* and also the *regions*.

Another significant legislative initiative, the *Loi Chevènement* of 1999, aimed at reforming the complex subnational/local world of France’s *intercommunalité* by inducing the municipalities and the maze of intercommunal formations to reorganise and restructure themselves on the basis of three types of “*communautés*”. Hailed by some as a virtual “intercommunal revolution” (see Borraz/ LeGales 2005), the new *communautés* are apparently about to become functionally important actors in the subregional/local space, although still not having directly elected councils and thus lacking political legitimacy (see Wollmann/Bouckaert 2006: 28).

Compared to the its centralist (“Napoleonic”) past and legacy France has, no doubt, made conspicuous strides towards decentralisation. Yet significant reservations need to be made.

- For one, the municipalities (*communes*) as the “ground level” of local government has so far been largely left aside, as decentralisation measures have focussed on the (some) 100 *départements*.
- Whether the reform drive under the *Loi Chevènement* will turn the *intercommunalité* into a viable, functionally as well as politically operative inter- and supra-local structure and level still needs to be seen.

- Notwithstanding the ongoing decentralisation France's central government has still preserved its strong organisational and personnel presence on the regional and local levels. (Nota bene: since 1982, the overture to decentralisation, the total number of central government employees, most of them placed on the regional and local levels, has not decreased, but increased see Thoenig 2006, Wollmann/Bouckaert 2006: 18). Hence, a large chunk of France's public administration has *not* been decentralized, but at best *deconcentrated*.

2.4. Germany

Germany, as a two-layer federal state, is made up of the “federation” (*Bund*) and the regional States (*Länder*) whose *federal* in terms of possessing powers and responsibilities in their own right is laid down in the Federal Constitution. The “federation” is largely responsible for policy-making and legislation, but is constitutionally barred from having its own regional or local “field offices”. By contrast, the legislative powers of the *Länder* are quite scarce (albeit enlarged as a result of the recent “federalism reform”), while they have extensive administrative responsibilities.

The local government level has constitutionally not been given a self-standing “federal” status, but are regarded to be part of the *Länder* (see Wollmann/Bouckaert 2006: 21). However, in functional and administrative terms, they carry out most of the public tasks. In fact, some 70 to 80 percent of all (federal and *Länder* as well as EU) legislation is implemented by the local authorities.

The vertical distribution of administrative responsibilities is evidenced by the fact that only some 6.5 percent of the entire public sector employees are federal personnel by contrast to some 50 percent of *Länder* personnel and some 40 percent of local government personnel (see Wollmann 2004: 651)..

As was already mentioned, the functional scheme in which the local authorities operate is traditionally characterised by a “duality of tasks” model according to which, besides carrying out their own genuine local government tasks, the local authorities are also put in charge of public tasks “delegated” to them by the State. Hence, local administration presents a “split” or “hybrid” picture. On the one hand, insofar as the local authorities carry out genuine (“fully municipalised” tasks, it is up to the elected local council to decide and the state supervision is restricted to legal review. On the other hand, as to the “delegation” (or “limited

municipalisation”) of public tasks, the elected local councils have no right to decide or control. The execution of these tasks falls solely to the local administration and the chief executive with the State authorities wielding an extensive control over the expediency and appropriateness of the activities of the local authorities. Hence, as it was highlighted earlier, the “delegation” or “limited municipalisation” of public tasks can be equated with (administrative) deconcentration rather than with (political) decentralisation with the consequence that, in the execution of these tasks, the local administration (and its chief executive) comes close to act as a local “agent” of central government and to be “integrated” in State administration.

In the recent round of territorial and/or functional reforms which have gone under way in some *Länder* the tendency has taken shape to further devolve state functions to the local authorities. In a recent move the Land of *Baden-Württemberg* has gone furthest in this direction in that most of the still existing local field offices of Land administration have been abolished and their functions have been transferred to local authorities (see Wollmann/Bouckaert 2006: 30). Yet, these functional reforms continue to be effected largely in the “delegation” mode so that the trend of getting local administration, as it were, “integrated” in State administration not only continues, but may even gain momentum.

3. *Concluding remarks. Decentralisation and/or Deconcentration: Convergence or divergence?*

The comparative sketch points at a somewhat ambivalent picture and conclusion.

On the one hand, the countries have shown convergent trends towards decentralisation whereby Great Britain marks an exception in that, while the regionalisation of Scotland and Wales certainly has been overtone to (political) decentralisation, if not to “quasi-federalism”, the relation between the central and local government levels in England have exhibited massive re-centralisation.

On the other hand, there has been significant divergence between the countries with regard to the rate and timing of decentralisation and the degree to which it has been accompanied (and possibly marred and counteracted) by bits and pieces of (administrative) deconcentration.

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- Among European countries (not only among the ones singled out in this sketch) Sweden has gone furthest in decentralising public tasks upon the local government levels, particularly upon the municipalities and in “fully municipalising” them as the elected councils are responsible, without exception, for the conduct these tasks and are subject only to a legal review by the State. Thus, Sweden’s local government system is exemplary of the “separationist” model.
- France appears to be still amidst the transition from a historically highly centralist state organisation to a decentralist one – with the *départements* on the meso-regional level still being the main beneficiaries of decentralisation while the bulk of the municipalities (*communes*) is still left out. Whether the new bodies of intercommunal cooperation (*communautés*) will become the viable layers and bearers for further decentralisation remains to be seen. For the time being, *decentralisation* appears to be challenged and marred by the continuing strong organisational and personnel presence of the central State on the regional and local levels in the guise of *deconcentrated* State administration.
- On the traces of her federal tradition, Germany looks appears, at first sight, exemplary of a considerably *decentralised* system, in the relations between the federal and the *Länder* levels as well as between the upper State and the local government levels. More penetrating analysis and inspection, however, reveal that a good deal of the devolution and transfer of public tasks from the State level to the local authorities has been effected (and still is being effected) in the “delegation” and “limited municipalisation” variant which constitutes (administrative) deconcentration rather than (political decentralisation) with “integrationist” rather than “separationist” implications and repercussions.

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