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**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE
(CDDG)**

**DRAFT REPORT ON
MULTILEVEL GOVERNANCE**

Secretariat Memorandum
prepared by the
Directorate General of Democracy and Human Dignity
Democratic Governance Division

About the CDDG

The European Committee on Democracy and Governance (CDDG) is the Council of Europe intergovernmental forum where representatives of the member States meet to develop European standards (recommendations, guidelines, reports), to exchange and follow up on the state of democratic governance in Europe, and to work together to strengthen democratic institutions at all levels of government.

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INTRODUCTION

1. In the Reykjavík Declaration, adopted at the Fourth Council of Europe Summit of Heads of State and Government (Reykjavík, 16-17 May 2023), member states reiterated their commitment “to securing and strengthening democracy and good governance at all levels throughout Europe”.

2. This Report is a contribution to the implementation of this commitment. It aims to provide guidance to all those who - in governing, policy-making and other functions - are responsible for the multilevel governance reforms. It was prepared by the European Committee on Democracy and Governance (CDDG) with contributions from Prof. Dr Louis Meuleman and Dr Ingeborg Niestroy, co-founders and co-directors of the Public Strategy for Sustainable Development (PS4SD).¹

3. Multilevel governance (MLG) is necessary to ensure efficient, effective, and sound administration, which is one of the principles of good democratic governance, as described in the Recommendation CM/Rec(2023)5 of the Committee of Ministers to Member States on the principles of good democratic governance. MLG arrangements, which can take a variety of forms, are established, reformed, adapted, and ended, for a range of purposes, including to improve interactions in such arrangements and their effectiveness. These purposes can also include bringing together relevant forms of expertise, making the delivery of public services more sustainable and efficient, enabling decisions to be taken over an appropriate territory, and reflecting the identity of communities, regions, and nations. Effective MLG can increase the capacity and capability of democratically elected leaders of public governance institutions, facilitate the building of relationships and communication between different decision makers, and improve social, economic and environmental outcomes for people and businesses even in times of crises.

4. The weighting given to the importance of these purposes, relative to each other, will vary, given the issues and challenges of the time, and the constitutional arrangements of any given state. In addition, these considerations can be overlaid by political decisions on forms of multilevel governance, the individual players on the scene, and broader political priorities. Moreover, in taking decisions about governance arrangements it will often be necessary to reach a balance between meeting such purposes and (avoiding) the down sides of particular multilevel arrangements in terms of, for example, the possible weakening of democratic accountability, the increased complexity of decision making, and the decreased transparency in decision-making and ownership of decisions - especially for the electorates and stakeholders involved in accountability.

5. The report is based on relevant earlier work of the CDDG, as well as on concrete experience and information provided by the CDDG members through a questionnaire which was circulated to all delegations in 2023. It also builds on the CDDG’s 2020 special report on “[Democratic governance and COVID-19](#)”, which contains a chapter devoted to multilevel governance in relation to the management of the crisis. Finally, this report takes into account relevant work of other Council of Europe bodies, notably the Congress of Local and Regional Authorities, and of other organisations such as the EU and OECD, as well as academic research on the subject (which are referenced throughout the report and in the annex).

¹ PS4SD is a not-for-profit think-tank and advisory network.

1. Multilevel governance

1.1 Understanding MLG

6. For the purposes of this report, multilevel governance (MLG) refers to a cooperative model of governance which may embrace international, supranational, cross-border, national and subnational (regional, intermediate, and local) levels of governance, delivered with participation of the people, civil society, and other organisations and stakeholders. Its purpose is to ensure coherent, effective and efficient policy- and decision-making, and the exercise of public duties, based on the principles contained in the Recommendation CM/Rec(2023)5 of the Committee of Ministers to member States on the principles of good democratic governance.

7. The concept of MLG stems from the recognition that many policy matters cannot be effectively managed by a single government or entity alone, and from the need to address the challenges of governing a frequently complex range of public affairs according to a cooperative model. This has become particularly evident in a context of increasing globalisation and interactions within and between national systems and actors, as well as in relation to crises and emergencies.

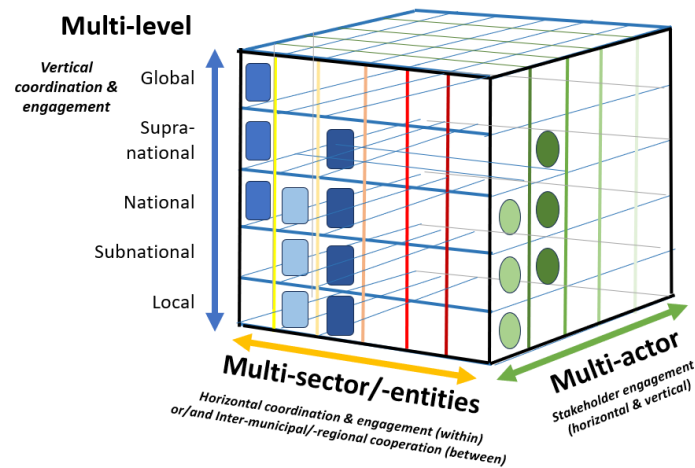
8. MLG was originally developed to describe and explain policy-making in the European Union, at a time when the classical and rather pyramidal governance model (involving the supranational, national, and sub-national levels) was challenged by new forms of direct interactions across the national borders. These were facilitated – also in the broader European context - by the tendencies towards regionalisation, decentralisation, and federalisation. The Council of Europe’s European Charter of Local Self-Government, and the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and its protocols were instrumental in that trend. MLG was then further differentiated in a “type 1”, which refers to static situations, and a relatively clear separation of powers by territory (formal), and type 2 referring to dynamic (and often informal) situations where new levels and relations are being set up or a jurisdiction is task-specific.

9. Originally conceived as an analytical tool to apprehend the evolving distribution of powers and responsibilities as well as interactions of various government levels, MLG was progressively recognised as a self-standing model of public affairs management involving the various levels of government and other actors participating in policymaking and the management of public affairs.

10. The concept has evolved over the last three decades due to the growing recognition of the importance of inclusive and participatory approaches. Today, the notion of MLG emphasises the need for collaboration, shared responsibility, and collective decision-making, including to create sustainable and equitable solutions and to tackle complex problems that transcend national boundaries. It recognises that effective governance requires the active involvement and cooperation of a multiplicity of actors and stakeholders in the decision-making and implementation processes. These include non-governmental organisations and civil society more broadly, private sector entities, as well as intergovernmental cooperation structures at various levels.

11. With this, multilevel governance has become an umbrella term for three dimensions, which include: 1. the original multilevel notion, which refers to the relations between different tiers of government, 2. the multi-actor dimension, which refers to multi-stakeholder involvement and participatory notion in general, and 3. a horizontal dimension. This refers to aspects *at one tier of government* – on the one hand *within* one government the multi-sector relation of thematic areas or responsible entities, and on the other hand relations *between* bodies within a given tier, typically inter-municipal or inter-regional. These relations might also encompass different tiers, stretch across different levels and concern different entities. Cross-border cooperation might also take place between one or more tiers and entities. There may be various relations between these dimensions, as shown in Figure 1 below².

Figure 1: Three Dimensions of MLG



12. These three dimensions of governance are also part of eight elements of Policy Coherence for Sustainable Development (PCSD), as conceptualised by the OECD³ and agreed by all member states as part of the UN Sustainable Development Goals (SDGs)⁴:

² Figure adapted from Niestroy et al. (2019).

³ OECD (2019): Recommendation on Policy Coherence for Sustainable Development: <https://www.oecd.org/gov/pcsd/oecd-recommendation-on-policy-coherence-for-sustainable-development.htm>

⁴ UN General Assembly (2015): Transforming our World: the 2030 Agenda for Sustainable Development. Resolution adopted by the General Assembly on 25 September 2015. A/RES/70/1.

<https://undocs.org/en/A/RES/70/1> SDG target 17.14 on Policy Coherence for Sustainable Development: https://sdgs.un.org/goals/goal17#targets_and_indicators

Figure 2: Eight Elements of Policy Coherence for Sustainable Development⁵



13. Governance frameworks and practices in the various countries reflect national politico-administrative and societal cultures, which can vary, and can be categorised in the following three styles:

- hierarchical governance, with a general preference for rules or standards of behaviour and legal solutions,
- network governance, with a general preference for collaborative solutions,
- market governance, with a general preference for market means and financial tools to pursue public goals.

14. In practice, these governance styles are mixed to a variable extent, with one style often dominating. The mix has an impact on what type of MLG is in place and may work best in a given country, depending on the various factors. Some countries have already gone through various experiences and reforms with regard to MLG arrangements in order to make these more effective, including by introducing different styles.

15. Generally, and in line with the focus of this report, it can be stated that sustainable and effective MLG arrangements presuppose a strong collaborative approach and components.⁶

16. The territorial organisation of countries and the distribution of competences across the various levels of government is often an ongoing subject of reforms and thus a moving area in many individual countries. Current dynamics are diverse, ranging from decentralisation processes to (contrary) reforms to reduce excessive territorial fragmentation and decentralisation – especially by creating new levels/tiers of government, encouraging amalgamations and associations of municipalities, and the pooling of

⁵ Adapted from L. Meuleman, "A metagovernance approach to multilevel governance and vertical coordination for the SDGs" in (2022)

⁶ See also Meuleman (2023). [A metagovernance approach to multilevel governance and vertical coordination for the SDGs](#); Meuleman (2023). [Innovative Multilevel Coordination and Preparedness after COVID-19](#).

resources in order to improve the ability to deliver public services. Sometimes, such reforms are aimed at implementing a process which is perceived as incomplete. In **Italy**, the debate on institutional reforms, particularly regarding the federal or autonomous state model, has always existed in political, institutional, and academic dialogue. It largely concerns the autonomy of the Regions and the scope of the powers attributed to them. The Regions often demand a complete implementation of the multilevel governance framework resulting from the comprehensive constitutional reform in 2001, by expanding their powers and responsibilities. In this context, a government-sponsored bill is currently being examined in Parliament which would bring significant changes, if adopted.

1.2 Actors in MLG

1.2.1 National governments and parliaments

17. National governments and parliaments play a crucial role in multilevel governance, as they are typically responsible for setting the overall policy direction and providing the level of funding needed for the many programmes and services run across the country, including through equalization. However, they need to work with other levels of government which may have a say or a right of co-decision in the design of policies, and an important responsibility to implement these policies and to ensure that the needs of the various stakeholders (people, economic operators, civil society organisations) are met. This will typically be the case in federal, confederal and decentralised unitary states. Some countries, especially larger ones, also have a bicameral parliament where the upper house represents the local authorities.

18. In **Spain**, which is a highly decentralised country, the Constitution (Article 150) provides for three types of legislative coordination mechanisms between the State and the Autonomous Communities: a) the framework laws (attributing to all or some of the Autonomous Communities the power to enact, for themselves, legislative rules within the framework of the principles, bases and guidelines established by a State law); b) the transfer laws (transferring or delegating to the Autonomous Communities, by means of a law of constitutional value, powers corresponding to State-owned matters which, by their very nature, are susceptible to transfer or delegation); and c) harmonisation laws: principles necessary to harmonise the regulatory provisions of the Autonomous Communities, even in the case of matters attributed to the competence of the latter, when the general interest so requires. In addition, sectoral conferences have proven over the last decade to usefully support the sharing and exchanging of information, the adoption of agreements and coordinating actions, facilitating cohesion and, ultimately guaranteeing equality across the country.

19. In **Norway**, the Parliament adopted in March 2016 a new constitutional provision on local self-government (Section 49 subsection 2), which establishes the principles of municipal autonomy. The municipalities are part of the public administration, and the Parliament will need to continue to make periodic assessments of what is the most appropriate repartition of tasks as the new constitutional provision does not establish a legal distinction between the tasks entrusted to the local authorities and those which are in the hands of the State. The Parliament shall as previously determine this through ordinary legislation.

1.2.2 Subnational (local, intermediate and regional) governments and authorities

20. Local, intermediate and regional tiers of government (e.g., cities, towns, municipalities, communes, parishes, villages, districts, intercommunal arrangements, counties, regions, states, provinces) are a key part of the MLG system. Each level has functions stipulated by the law and is responsible for providing specific services. The competence for the delivery of certain services can be concurrent, or complementary to that of another tier of government. The local levels are the closest to the population, and they are generally responsible for the provision of local services, management of local infrastructures, and enforcement of local regulations. Intermediate levels and regions also often play an important role in implementing policies and programs that are decided at the national level, and which may require coordination with local level.

21. Those in charge of local, intermediate and regional government functions are normally elected, which is also a requirement under the European Charter of Local Self-Government. But (non-elected) administrative bodies can also be entrusted in practice with intermediate level government functions and responsibilities involving the delivery of services and making decisions on issues that affect their constituents. Lower tiers of government may remain subjected to a variable degree to the authority or supervision of a higher tiers of government and/or the State/national government.

1.2.3 Private sector and civil society

22. MLG also refers (at any tier of government) to the involvement of non-governmental actors, such as civil society organisations and associations (for instance in relation to advocacy, union representation, charitable activities and support to the population) and private sector (in the framework of public-private partnerships, outsourcing, or subcontracting).

23. These actors can play a role in the design of policies and be consulted or associated in the decision-making processes (informally or formally); they can bring their expertise and interest representation to the table. They can also play an important role in the implementation of tasks of common interest, for instance in the field of local or regional development, social services, the management of natural resources and important infrastructures.

24. MLG can also increasingly refer to the direct involvement of individual citizens, including through mechanisms of direct democracy (launching legislative initiatives or referenda), participatory mechanisms (consultations, co-decisions) or voluntary work for a municipality in accordance with local systems and traditions. For example, **in the Slovak Republic**, as in many other countries, in addition to their right to vote and be elected, citizens have the right to participate in various ways in the self-government of the municipality: they may vote on issues concerning daily life and the development of the municipality (through local referenda), they may participate in public assemblies gathering the inhabitants of the municipality to express their opinion on the conduct of affairs and they may participate in the meetings of the municipal council, and/or address suggestions and complaints to the municipal authorities. The residents of the regions have similar rights at this (regional) level.

25. More recently, an increasing number of countries have expressed an interest in developing forms of deliberative democracy and experimented with citizen assemblies. Practice has shown that such formats can, where used appropriately, usefully contribute to the overcoming of political deadlocks, the engagement of citizens and rebuilding trust in the institutions of democracy. Furthermore, these deliberative formats may influence positively the style of regular policymaking and consultation processes.⁷

1.2.4 Inter-municipal and regional cooperation structures

26. Inter-municipal and regional cooperation is a form in which two or more municipalities or regions (or intermediate entities) work together to achieve common goals and solve common problems. Intermunicipal cooperation can take many different forms, including joint service provision, shared administration, and regional planning. In **France**, where the number of municipalities (sometimes very small) is particularly high, inter-municipal cooperation arrangements are widely used. Municipalities can join to manage public facilities or services (waste collection, sanitation, urban transport, etc.), engage in economic development or launching town planning projects at a larger scale. Initially conceived as a collective management of basic services, inter-municipal cooperation has become a project cooperation. It is implemented through associations of municipalities and their Institutions of Intermunicipal Cooperation⁸. These intercommunal arrangements are designed as a) a remedy for communal crumbling and an instrument for the rational organisation of territories, bringing together dispersed means and structuring local initiatives; b) promoting local economic development and relaunching of regional planning policy; c) a response to the difficulties of management often encountered by local elected officials; d) a tool for regional planning at the national level and improved European integration.

1.2.5 National, regional and local self-government associations

27. Local government associations (LGAs) represent the interests of local governments at the regional, national, or EU and international level. They serve as a platform for local governments to share knowledge, exchange experiences, and advocate for their interests. LGAs can play an important role in multilevel governance by facilitating dialogue and cooperation between different levels of government, and by advocating for policies and resources that benefit their members but also by strengthening the voice of local governments, building capacity, facilitating cooperation, and promoting innovation. They also play an important role in relaying and disseminating important information to their members (for example on the implications of certain legislative changes), know-how and best practices. In **Hungary**, the framework legislation on local government has led to the creation of several local government associations: National Association of County Local Governments (MÖOSZ); Association of Towns with County Rank (MJVSZ); Association of Budapest Local Governments (BÖSZ); National Association of Small Cities (KÖOÉSZ); National Association of Communes and Small Municipalities (KÖSZ); Hungarian Association

⁷ See the CDDG [Report on new forms of deliberative and participatory democracy](#), and the [Recommendation CM/Rec\(2023\)6 of the Committee of Ministers to member States on deliberative democracy](#), which contains recommendations for policy makers and practitioners interested in developing deliberative processes.

⁸ According to the General Code of Local Authorities (CGCT), the different forms of intermunicipal cooperation are: municipal unions (*syndicats de communes*), communities of municipalities (*Communautés de Communes*), urban and Agglomeration communities (*Communautés Urbaines / d'Agglomération*), metropolitan areas (*Métropoles*).

of Local Governments (MÖSZ); Hungarian Village Association (MFSZ); Hungarian National Association of Local Authorities (TÖOSZ).

1.2.6 Multi-actor arrangements, programmes and networks

28. In accordance with the cube model shown in Figure 1, there are in principle no limits to the possible combinations between levels, sectors and entities, and actors. The more formal an arrangement is, the more it is likely to be confined to the above-mentioned categories of arrangements and actors. The more network-style approaches are used, the more varied the MLG arrangements will become, and the more able to involve diverse actors, such as research centres or universities, think tanks, chambers of commerce, for example in building networks for specific purposes of collaboration.

29. Large urban and metropolitan areas are often a hotbed of such innovative arrangements given the diversity and density of institutional resources classically present in those areas. Rural areas are, on the contrary, often confronted with a limited number of actors to involve in projects related to development and attractiveness strategies, new infrastructures, natural resource management, social services, cultural activities, and tourism.

1.2.7 Transnational arrangements and cross-border regions

30. Transborder regions, also known as border regions or cross-border regions, refer to geographical areas that are situated on or near international borders. These regions often share common histories, characteristics, resources, and challenges due to their proximity to a border, and they may exhibit social, economic, and cultural dynamics which are specific compared to the respective inlands.

31. MLG arrangements involving tiers of government and actors from different countries pursue different objectives from a mere forum for exchanges and coordination of certain policies of common interest to the management of joint projects and infrastructures. The management of joint projects and infrastructures would normally require specific overall frameworks and ad hoc legal arrangements. State-led initiatives have flourished in Europe since the 1970s, mostly in the form of a cross-border community of interests and not necessarily with the creation of a joint legal entity. Over 80 of such Euroregions (also Europaregion or Euregio) have been established to date, with various forms and names and involving also subnational tiers of government.⁹

32. The creation of cross-border arrangements under the responsibility of sub-national tiers of government has been encouraged since 1980, on the initiative of the Council of Europe. The [European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities](#) (the "Madrid Convention") was a first step towards the recognition and facilitation of cross-border cooperation structures based on public law. Three protocols followed in 1995, 1998 and 2009, providing *inter alia* for the possibility to establish Euroregional Co-operation Groupings (ECGs). At the level of the European Union,

⁹ To name just a few: Black Sea Euroregion (Bulgaria and Romania), Euromed Region (Italy, France, Spain, Portugal, Greece, Malta, Cyprus), Drina-Sava-Majevisa Euroregio (Bosnia and Herzegovina, Croatia, Serbia), Euroregion Dniester (Ukraine, Republic of Moldova), Carpathian Euroregion (Hungary, Poland, Romania, Slovak Republic), Ukraine.

Regulation (EC) N° 1082/2006, amended by Regulation (EU) No 1302/2013 provided for the creation of European Groupings of Territorial Cooperation (EGTCs).

33. The Eurometropolis Lille–Kortrijk–Tournai in the **Belgian-French border region**, is the first EGTC established in the European Union. It brings together 14 French, Walloon and Flemish partners: the two States, four regions and communities, three counties and provinces and five intermunicipal companies. The purpose is to ensure consultation between all the institutions involved, produce cross-border coherence across the entire territory, support and implement joint projects and facilitate the daily lives of the region’s inhabitants. Belgium institutions were also involved in the creation of the EGTC Rhine – Alpine in which participates the Port of Antwerp together with other ports like Rotterdam along the Rhine-Alpine corridor, as well as German cities, the Italian Region of Piedmont and Dutch and Flemish provinces. It brings together ports, which might have different legal forms like for instance a limited company with the state and local authorities as its’ shareholders, regions and municipalities. The aim of this EGTC is to facilitate the transnational cooperation on the European transport corridor Rhine-Alpine and to take on jointly the intricate challenges of the development of this corridor.

The European Union

34. The European Union (EU) is an example of multilevel governance in action, as it is a complex system that involves multiple levels of governance working together. The EU is a unique political and economic union of 27 member states, with its own institutions and decision-making processes. Multilevel governance in the EU involves interactions, negotiations, and coordination among different levels of government including a supranational level. It requires cooperation and coordination between various actors, including the EU institutions, national, regional, and local governments, to formulate and implement policies that impact the EU as a whole.

2. Benefits, key elements and challenges of MLG

35. Multilevel governance in principle exists in all countries where there are different levels of public administration, with operational local and regional administrations managing and implementing policies and actions. However, the term MLG is typically used only when a minimum level of local/regional autonomy exists in relation to law- and decision-making power and finances, combined with the democratic element of local elections, in line with the European Charter of Local Self Government. Otherwise, it would be a central government with administrative tiers.

36. The establishment of effective MLG arrangements requires a balance between, on the one side, the enabling of interactions between a number of different political and non-political institutions and actors, and on the other side coping with the possible downsides of particular multilevel arrangements. This can lead to the increased complexity and the reduced transparency of decisions and decision-making process, which can ultimately impact democratic accountability.

37. The legal foundations in **constitutional law** of MLG are thus particularly important to address the above challenges, and to ensure the ability of MLG to operate, to organise the necessary supervisory mechanisms, and to solve conflicts of jurisdictions and interest. A

variety of regulations from various branches of law (public and private, domestic, foreign, and supranational) may thus need to be considered for the operation of an MLG arrangement, including ad hoc rules for a possible steering or coordination body responsible for the operation of the MLG.

2.1 Benefits of an effective MLG

38. Motivations to deepen the arrangements and enhance the potential of MLG include the following: enhancing the efficiency and effectiveness of public administrations and services, encouraging democratic participation, addressing diverse needs of the population and economy, enabling coordinated approaches, and facilitating international cooperation. MLG can support more effective, inclusive, equitable and adaptive governance at all levels, allowing for better policy outcomes, improved governance performance, and better quality of public services, resulting in increased citizens satisfaction and trust. These motivations recognise the benefits of decentralised decision-making and collaborative governance in creating more responsive, inclusive, participatory and sustainable societies. Large areas like the EU need an elaborated MLG system for appropriate results.

39. At the same time the supervision by the higher State or regional levels (central bodies, audit office, administrative courts) remains essential from the perspective of the legality and rule of law principles, as well as for accountability and policy effectiveness.

40. The typology below is an attempt to compile various key benefits of an effective MLG:

Enhanced democracy and representativity:

- **Increased democratic participation:** By involving citizens and local communities in decision-making processes (in, and beyond elections), these approaches promote greater citizen engagement and participation in governance and action;
- **Enhanced local responsiveness:** Decentralisation allows local governments to tailor policies and services to the specific needs and preferences of their communities, leading to more effective and responsive governance;
- **More effective relations of local authorities with civil society organisations:** If there is decision-making power and own resources, local authorities can work effectively with the entire spectrum of local civil society, including CSOs, grassroots organisations, citizen initiatives, neighbourhood initiatives;
- **More citizen participation and enhanced democracy:** More opportunities for direct participation in matters that improve the daily life of citizens often lead to more participation in return, as it is felt as effective and rewarding;
- **Better policy outcomes:** Multilevel governance can result in better policy outcomes as it allows for more diverse perspectives and expertise to be considered in decision-making processes;
- **Increased quality of public services and satisfaction of citizens:** the quality of public services is normally improved as it is more adapted to local needs. However, it requires that sufficient means are provided (see fiscal decentralisation below);
- **Greater transparency and accountability:** by being closer to the people the governance system becomes more transparent, accessible, and accountable;

- **Greater predictability:** the governance system and its actors become more visible, and hence its actions more predictable;

Better financial management:

- **More efficient service delivery:** Local governments are often better positioned in MLG to understand local conditions and deliver public services efficiently and effectively, leading to improved service quality and outcomes;
- **Better resource allocation:** MLG can facilitate a more equitable distribution of resources by allocating relevant decision-making power and financial resources to lower levels of government, and by reducing regional disparities;
- **Better fiscal responsibility:** With enhanced transparency and accountability the fiscal responsibility is likely to improve;

Learning and innovation:

- **Capacity-building and learning:** MLG provides opportunities for capacity-building and learning among different levels of government;
- **Local innovation and experimentation:** MLG encourages local experimentation and innovation in policy design and implementation, fostering diverse approaches to problem-solving and policy development.

2.2 Key elements

41. There is a diverse spectrum of MLG arrangements and forms, depending on the historical and political context. Defining key characteristics of effective MLG can help assessing the strengths and weaknesses of particular forms of MLG. Key elements of MLG are described in the legal instruments of the Council of Europe. The [European Charter of Local Self-Government](#), which has been ratified by all Council of Europe member States, commits the Parties to applying basic rules guaranteeing the political, administrative and financial independence of local authorities. It provides that the principle of local self-government shall be recognised in domestic legislation and, where practicable, in the constitution. Local authorities are to be elected in universal suffrage. Local authorities, acting within the limits of the law, are to be able to regulate and manage public affairs under their own responsibility in the interests of the local population. Consequently, the Charter considers that **public responsibilities should be exercised preferably by the authorities closest to the citizens**, the higher level being considered only when the coordination or discharge of duties is impossible or less efficient at the level immediately below. To this end, it sets out the principles concerning the protection of local authority boundaries, the existence of adequate administrative structures and resources for the tasks of local authorities, the conditions under which responsibilities at local level are exercised, administrative supervision of local authorities' activities, financial resources of local authorities and legal protection of local self-government. The principles of local self-government contained in the Charter apply to all the categories of local authorities, including mutatis mutandis, regional authorities.

42. The recently adopted [Recommendation CM/Rec\(2023\)5 of the Committee of Ministers to member States on the principles of good democratic governance](#) describes fundamentals and 12 principles, which are of wide and comprehensive relevance from the viewpoint of MLG: democratic participation, accountability, openness and transparency,

sound administration, responsiveness, and sustainability. The [explanatory memorandum](#) mentions the following in respect of Principle 1: “*Local democracy, local autonomy and subsidiarity are respected, and multilevel governance is encouraged*” as well as on Principle 7.: “*This principle also relates to good multi-level governance, meaning that there is an adequate distribution of power, responsibilities, and resources across all levels of government, based on the principle of subsidiarity and respect for local democracy, as stipulated in the European Charter for Local Self-Government. There should also be efficient inter-institutional co-ordination with effective oversight mechanisms.*” Most notably, the section on operational part states: “*The effective promotion of good democratic governance at all levels includes adopting a multi-level governance perspective engaging all levels of government, non-State and non-governmental actors. The exercise of good democratic governance at all levels must stand as a daily effort and practice.*”

43. Both MLG and the recognition of local autonomy (and decentralisation) assume the importance of local self-governance and participation in decision-making processes:

- MLG emphasises the idea that governance occurs not only at the national level but also at multiple subnational levels. It recognises that different levels of government have distinct roles and responsibilities, and they should work together in a coordinated manner to address complex policy issues and deliver public services effectively. This approach acknowledges that many policy challenges transcend the boundaries of a single level of government and require cooperation and collaboration among multiple actors;
- Local autonomy and decentralisation at the same time refers to the *transfer* of political, administrative, and fiscal powers from central government authorities to lower levels of government or other non-state actors. It aims to strengthen local decision-making and empower local self-government by giving them greater control over their own affairs. Decentralisation is a process, it can be administrative, political, fiscal, or functional, depending on which specific powers and responsibilities are devolved to subnational entities.

44. Both MLG and local autonomy recognise the importance of local knowledge, diversity, and citizen participation in shaping policies and decision-making processes. They aim to promote democratic principles, enhance efficiency in governance, and ensure that policies and services are responsive to the needs and preferences of local communities. These concepts are often associated with the principles of subsidiarity and solidarity, which advocate for decision-making authority to be exercised at the lowest possible level while ensuring cooperation and support among different levels of government.

45. The European Charter of Local Self-Government mentioned above includes provisions to these ends, most notably that local and regional authorities must have discretion in the exercise of responsibilities, and on the operational side the principle of prior consultation between levels of government (Art. 4.6) and the legality principle in respect of supervision by the upper tiers of government (Art.8), which are particularly important features.

46. In **Belgium**, the Government of Flanders decided in February 2022 to establish the Decentralisation Commission, which is tasked to investigate how the local government level can gain even more autonomy, administrative powers, and instruments for tackling a

number of important social issues. The principle of subsidiarity is central to this. The Commission chose to disregard a number of subjects (whether an authority should take on a task; the powers of the provinces; public tasks where there is EU of federal competence; the general finance reform and the relationship with local fiscal autonomy). The functionally competent ministers and administrations are responsible for implementing the decentralisation proposals on which an agreement has been reached.

47. Another key element of MLG is the **principle of subsidiarity**, embodied in the European Charter of Local Self-Government according to which decisions should be made "by those authorities that are closest to the citizens" (Art 4). MLG thus allows for decision-making to occur at the most relevant level, ensuring that policies are tailored to local conditions and needs whilst preserving the general requirements of efficiency: *"The exercise of public responsibilities should, in general, devolve, preferably, on the authorities closest to the citizens. Allocation of responsibility to another authority should take into account the scale and nature of the task and the requirements of efficiency and economy"*.¹⁰

48. The application of the principle of subsidiarity must at the same time take into account the existence of other principles of organisation and functioning of the State, in particular the unity of action, efficiency in the wider sense, unity of application and solidarity. Hence, a decentralisation only for the reason of efficiency (e.g., financial savings) at the national level, without decentralising the financial resources would not be appropriate.

49. **Financial decentralisation and fiscal equalisation** are also classical prerequisites of decentralisation to be effective. The former implies that greater administrative autonomy is devolved to subnational levels, which entails that those levels may decide upon their revenues, taxation systems, expenditure, investments, and welfare policies; upon resource allocation and public services provided to the people, to have better budgetary control, and that all relevant decisions are made to suit local circumstances and particularities. The European Charter for Local Self-Government (Art .9) indicates that *"... at least part of the financial resources of local authorities shall derive from local taxes and charges of which, within the limits of statute, they have the power to determine the rate"*. Furthermore: *"Local authorities' financial resources shall be commensurate with the responsibilities provided for by the constitution and the law."*

50. Furthermore, Recommendation CM/Rec (2005)1 of the Committee of Ministers to member states on the financial resources of local and regional authorities underlines that:

- Local taxation, state grants and financial equalisation mechanisms is meant to adapted to the needs of local communities so that their authorities can operate as effectively as possible; this adaptation needs to take into account, inter alia, structure, territorial organisation, distribution of powers between the different tiers of government and traditions;
- Council of Europe member States are encouraged to ensure a fair distribution of public financial resources between the different tiers of government, taking account

¹⁰ See also Study of the Steering Committee on Local and Regional Democracy (CDLR) of the Council of Europe on "The Definition and limits of the principle of subsidiarity" (1994).

of the responsibilities assigned to each of these tiers and changes in those responsibilities, as well as economic circumstances;

- Local authorities should be entitled, within the framework of national economic policy, to raise adequate resources of their own; the financial equalisation system should allow local authorities to provide their citizens with broadly comparable levels of services in return for comparable levels of taxation and charges; limitations on the financial autonomy of local authorities should not be disproportionate to the objectives pursued.

51. The various requirements discussed above are classically enshrined in a range of **constitutional and other legal provisions**, together with the distribution of powers, and other practical arrangements. The legal framework provides the necessary level of protection for the competences of the various State and territorial actors, and it deals with the way conflicts are to be dealt with.

52. **Leadership** plays a crucial role in MLG by ensuring effective coordination and cooperation among different levels of government. Leadership helps to establish clear goals and objectives for the levels of government and actors involved, ensuring that everyone is working towards the common purpose which was set or agreed. In MLG, leaders are responsible for providing guidance and direction and they set the vision and mission for the entire system, ensuring that it aligns with the needs and aspirations of the people they serve. Effective leaders in multilevel governance are able to communicate this vision effectively and motivate employees to work towards its realisation.

53. Without effective leadership, different levels of government and actors may operate in silos, leading to inefficiencies and conflicts.

54. Effective leadership in MLG also ensures that those in charge provide an account for the results achieved, thus contributing to a higher level of accountability overall.

55. Leadership in MLG is also essential for effective and timely decision-making. In a system where decisions are made at multiple levels and/or through various consultations, it is crucial to have leaders who can facilitate dialogue and consensus-building among different stakeholders. Those assigned with leadership functions are responsible for bringing together diverse perspectives and interests, helping to find common ground and ensure that decisions are made in the best interest of the people. Their skills in negotiation and conflict resolution can be vital for addressing complex societal challenges and finding innovative solutions.

56. Institutional leadership is also important, especially in complex multi-actor arrangements where hierarchical relations are absent or not provided by law and regulations. The MLG arrangements might involve the creation of additional bodies responsible for bringing together representatives of the institutions, steering the work, organising consultations and hearings, providing for the co-management of projects, policies, infrastructures and resources. In those cases, strong participatory leadership skills are needed.

2.3 Challenges to MLG

57. Various challenges can be identified in relation to the development and implementation of MLG. Firstly, there can be challenges regarding direct **multi-level** aspects like necessary coordination and cooperation between different levels of government, managing potentially diverging interests, building local capacity for governance and service delivery, and addressing potential inequalities and disparities that may arise from the devolution of powers and resources.

58. Secondly, there are challenges related to the **multi-actor** dimension, such as involvement of citizens (elections), civil society and other stakeholders (consultation and participation, engagement, deliberation).

59. Thirdly, there are challenges in the horizontal dimension: a) in coordination and collaboration across policy sectors: the **multi-sector** dimension (i.e., within one tier between different entities bodies), b) in **inter-municipal or inter-regional cooperation** arrangements (i.e., between bodies at one tier). A special case here are cross-border cooperations which might be at one or more tiers.

2.3.1 Challenges in respect of the multiple administrative levels

60. Political differences can emerge at different levels of multilevel governance. MLG normally benefits from those times when the political priorities of different institutional actors are close and agreements can be made that lead to joint initiatives, the devolution of responsibilities, and the creation of common initiatives. Such a political consensus may be lost again over time, and political priorities may diverge at certain levels of government or other institutions. Politico-administrative systems need to accommodate those differences when they emerge. Solutions will include conflict resolution mechanisms (e.g., arbitration) or an ad hoc agreement to prevent that the different political views at different levels of administration undermine each other and result in higher social, environmental, or economic costs.

61. In **Belgium**, the Communities and Regions are at the same level as the Federal State, unlike in some other federal states. Hence, there is no such principle as higher or lower level of government, and federal law does not prevail over the laws of the federated entities. Mechanisms to prevent and solve conflicts of interest and conflicts of authority have thus acquired particular significance: a) conflicts of interest may arise where the Federal State, a community or a region takes a political decision or legislative initiative that may harm the interests of another authority. They may also arise as a result of non-compliance of the State with the existing consultation procedures. Such cases are brought before the Consultation Committee, which is composed of members of the Federal Government and of the governments of the communities and the regions, and which will try to reach a consensus within 60 days, during which the decision is suspended. Specific procedures exist where the conflict concerns a law already in parliament; b) Conflicts of authority, which may result from the division of competences between the Federal State, the communities and the regions, are prevented through intervention of the highest administrative court, the Council of State, whose advice is required for any draft bill. Conflicts of authority can then be settled through a procedure involving the Constitutional Court in a litigation or upon advice requested by another court.

62. There is often a need to address a **mismatch between the general framework defining the distribution of competencies between administrative levels and those actually exercised** because of incidental limitations, contradictory rules, or practical constraints (lack of resources, available expertise). A sound legal framework and distribution of powers is of particular importance.

63. **Greece** adopted recently the law on Multilevel Governance (law 5013/23 – Government Gazette 12 A/19-1-2023), in the light of weaknesses identified over the years in the existing interactions between territorial levels. In particular, the provisions of this Law establish the National Multilevel Governance System as a new model of governability. It identifies the institutions responsible for its implementation, provides for the necessary operational tools, lays down the general principles of the system and the rules for the functional classification of public policies and it establishes a methodology for allocating and reallocating or transferring responsibilities of public sector bodies in the light of the MLG model carried by the text. For the central administration the aim is to focus on its executive responsibilities and to have an executive role, while the responsibilities related to serving citizens, as well as local, development, social, environmental and other needs, shall be exercised by the regions and municipalities in future.

64. **Real-time collaborative multilevel governance:** As a reaction to the inflexibility and sluggishness of traditional rule-based relations between national and subnational governments, some countries have started to engage in real-time collaborative multilevel governance.

65. The **Netherlands**, with its long-standing participative governance culture, has such a mechanism for addressing strategic policy issues, including the SDGs. Intergovernmental dossier teams have been established to discuss what each of the three tiers in the country's administrative system (national, provincial, and local) can contribute to addressing challenges with a strong multilevel dimension. The three governance levels come together in real time to discuss how to tackle specific pressing problems. This 'real-time collaborative multilevel governance' is an additional approach that in no way undermines the subsidiarity principle or the legal hierarchy between the levels. In other countries, multilevel collaboration might not look the same; comparative research on urban sustainability transitions has shown that multilevel relations can differ among national governance cultures.¹¹

66. The **focus on problem-solving** is crucial in this collaborative approach. The normal logic of multi-level meetings is that the discussion should be determined by the different responsibilities and tasks of the participating administrations. A problem-based approach turns this around. The problem that is tabled is the starting point. Is there agreement about what the problem is, why it is a problem, and for whom? Then the participants could discuss how each of them can contribute to solutions, based on their expertise and financial and human resources. Only after this, when conclusions are drawn, tasks can be allocated based among others but not only on the remit of each of the administrations. It may be necessary, to address the problem successfully, to collaborate in a new way across the levels, and try this out with a pilot/experiment.¹²

¹¹ Source: Meuleman, L. 2023. Innovative Multilevel Coordination and Preparedness after COVID-19. In: World Public Sector Report 2023. UNDESA, New York

¹² The EU's European Semester annual cycle of economic governance is an example of which the success can be linked to such a problem- instead of remit-based approach.

67. The **adequacy of financial and budgetary rules and regulations**, and resources at the sub-national levels, is another important challenge of MLG. Financial resources must be commensurate with the distribution of powers and responsibilities including new ones in a context of decentralisation or general policies decided at the upper tiers of decision-making.

68. In **Portugal**, Law No. 50/2018 transferred new responsibilities to local authorities and intermunicipal entities, concerning inter alia the specific context of emergencies and their management: a) Civil Protection – the municipality is responsible for the local planning of civil protection services, improving levels of operational coordination at the municipal level (in conjunction with ANEPC); b) Firefighter associations – the municipality is responsible for supporting the permanent intervention teams of the Volunteer Fire Associations; c) Fire safety – the municipality is responsible for appraising projects and self-protection measures, and for carrying out surveys and inspections of buildings classified in the first risk category under the legal regime of fire safety in buildings. As the transfer of competences has been a burden for some local governments as well as for the new managing entity, the Directorate-General of Local Authorities (DGAL). In order to finance these new measures, a financial package aggregated through the Decentralization Financing Fund (FFD) was approved. The specific conditions of those transfers, namely financial conditions, monitoring and follow-up reports, are currently being clarified, to ensure that the additional resources are commensurate.

69. **Adequate consultation procedures of the national government with local authorities** in relation to various matters that concern the latter directly (legislative processes, financial/budgetary matters, boundary delineation) are important. National governments may have concrete reasons not to consult local authorities (or consult them when it is too late), for example during an emergency, but should always consider whether the costs of non-consultation are not higher than the benefits of the time saved by not consulting the local level.

70. **Transparency of decision-making** is in jeopardy of getting diminished or lost when decision-making or the coordination, cooperation, delegation, or supervision is organised in such a way that it becomes excessively complex, and this complexity is difficult both to manage and to understand for stakeholders and citizens.

71. In principle, MLG can contribute to increased **accountability**, as there are more “eyes” involved in exerting scrutiny. When, as a result of the division of decision-making, the responsibility for the implementation of policies and the delivery of services is shared between too many actors who cannot account for their action and be held to account individually; or when non-public actors are involved in MLG with important functions but in an excessively informal manner that does not allow to hold them to account both within and outside the MLG chain of cooperation. The division of responsibilities between different levels of government may not be clear, leading to issues of accountability and effectiveness.

72. MLG arrangements can be rather **complex to manage**, depending on a variety of factors: diversity of actors and tiers of government involved, lack of political compromises, lack of adjustments in the different regulatory and institutional frameworks in which individual institutions or participants operate, time constraints (e.g., a deadline set by law for a reform). Obviously, the ability to manage complexity is part of the skills that public

decision-makers need to possess. But there is a risk that unnecessarily complex arrangements based on a patchwork of contradictory interests and objectives, regulations, and levels of decisions will result in excessive amounts of time and resources being spent on solving issues to the detriment of the achievement of goals, and thus overall effectiveness.

73. It is therefore a good practice to enable the MLG arrangements to be reviewed at regular intervals, possibly also after a pilot phase for the newly established ones. This allows to examine the functioning of synergies, and the need for possible adaptations and simplifications.

74. Need for a **Multilevel capacity building**: Level-specific governance frameworks may come into play with the division of tasks between national and subnational governments because different types of problems require different governance styles and tools. When tackling a climate-induced flood disaster, coordination is usually needed at a level above local authority. When dealing with very complex problems, being close to citizens provides a better understanding of the challenges, and certain routine issues should not be dealt with bureaucratically or through a lengthy dialogue but might benefit from outsourcing to an efficient private operator. Such level-specific governance approaches should be synergistic but can also be divisive and undermine progress if relations between the levels are not managed well. Capacity-building at all levels is needed to help authorities at each level understand the circumstances and responses from other levels of government.¹³

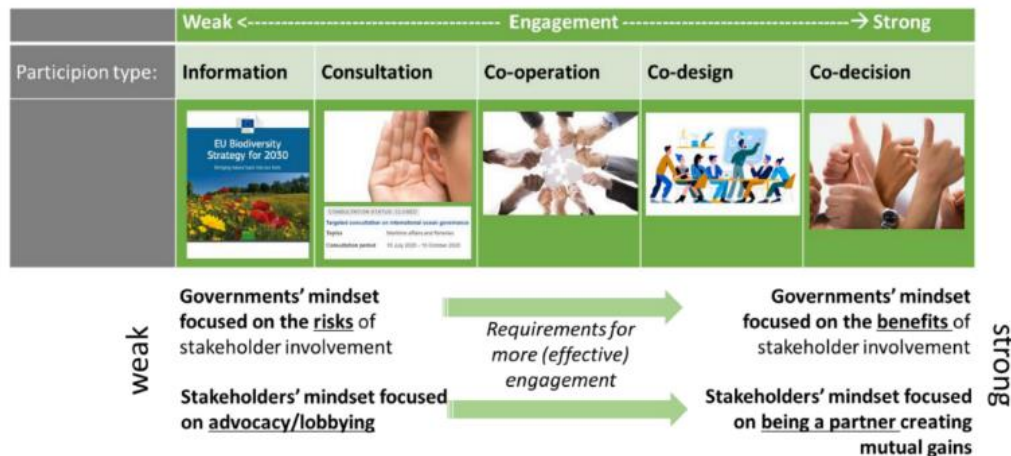
2.3.2 Challenges in respect of the multi-actor dimension

75. A collaborative style of governance can be seen as undermining vested interests and powers. It therefore needs to be complemented by relevant mechanisms to ensure that collaboration can really lead to tangible results and not end in frustration. Policymakers need to have a clear mandate from the political leadership to enter in negotiations that are part of a collaborative process. When, for example, a national authority negotiates with subnational authorities without a clear negotiation mandate, and the minister does not accept the result, time, resources, and credibility are wasted. At least it should be always clear to all participating actors what are the mandates of the participants.

76. Other challenges around participation are about the **lack of skills and appropriate mindsets** to engage in effective participation and partnerships. Multilevel governance must not only be effective and accountable but also inclusive, and accountable, as SDG target 16.6 states. All forms of participation should be considered and then used as appropriate. The intensity of participation can range from low (being informed) to high (co-

¹³ From Meuleman 2023 WPSR.

production and co-decision), with several intermediate steps, as illustrated in the following figure:¹⁴



77. **Citizens' and people involvement and consultation** (in and beyond elections): The multi-actor dimension is very important in MLG and questions arise about democratic legitimacy, as decisions may be made at different levels of government with varying levels of accountability to citizens. Civil participation is a part of the multi-actor dimension of MLG, in accordance with participatory democracy and the principles enshrined, for instance, in the European Charter for Local Self-Government, and its Additional Protocol on the right to participate in the affairs of a local authority. New forms of deliberative democracy for citizen and stakeholder involvement, such as citizen assemblies and participatory budgeting are worth to be experimented with and pursued, if implemented correctly. The Council of Europe has produced various legal standards and guidance in this respect including, most recently, [Recommendation CM/Rec\(2023\)6 of the Committee of Ministers to member States on deliberative democracy](#)¹⁵.

78. In the **Czech Republic**, the introduction of community planning methods, mostly used in the area of social services, contributed to the development of horizontal cooperation and public involvement at the local level. Thanks to this, working groups were formed where representatives of the municipality/city (mainly officials), representatives of providers (companies, non-profit sector) and users (citizens) planned and organised together the delivery of services. More generally, participatory mechanisms are applied to varying degrees in municipalities/cities, in relation to participatory budgeting or specific subjects (meetings are held with citizens, often on a regular basis), or by individual parts of the municipality. The Ministry of the Interior has released various manuals on participatory mechanisms. In **France**, the law recently extended citizens' right to petition: one-tenth of voters registered on the electoral rolls of a municipality (instead of one-fifth) or one-twentieth of voters from other local authorities (instead of one-tenth) may request that the agenda of the deliberative assembly include the organisation of a consultation on any matter falling within the scope of the decision of this assembly (Art. L. 1112-16 of the General Code of Local Authorities).

¹⁴ Source: Meuleman, L. (2022), From Action Plan to Implementation, and from Policy to Governance'. Presentation at the International conference: The National Action Plan for the implementation of Romania's Sustainable Development Strategy 2030.

¹⁵ See also the 2023 [Report on new forms of deliberative and participatory democracy](#), [Recommendation CM/Rec\(2018\)4 on the participation of citizens in local public life](#) and the 2017 [Guidelines on civil participation in decision-making](#)

2.3.3 Challenges in respect of the multi-sector and inter-municipal, inter-regional and cross-border cooperation

79. The **multi-sector dimension** refers to the usual separation of work in organisations, according to themes or sectors, as it does in governments by ministries and departments. This situation typically leads to the well-known problem in policy making and public administration, often coined as thinking and operating in “silos”, which involves insufficient connections between thematic areas and ultimately decreases efficiency and effectiveness. This problem becomes particularly prevalent when the administrative system is confronted with cross-cutting policy areas like the climate and environment, gender equality, the fight against corruption. The need for aligning or mainstreaming action is leading to the development of mainstreamed policies, the adoption of strategies and action plans¹⁶. A lack of policy coherence obviously leads to diminishing results and trust of citizens, as well as fuzziness in accountability.

80. **Finland** indicated that for the purposes of inter-ministerial co-operation, the governmental programmes have a strong influence on the roles of, and interactions between different ministries. For example, in the current government, much of the leadership for the implementation of the county reform was given to the Ministry of Social and Health Affairs, which had also a major role in the COVID crisis leadership.

81. The multi-sector challenge may hamper MLG, for example when the aims or strategy of one sectoral multilevel “column” contradicts or undermines those of another “column”. It might be, for example, that there is decision-making power for food or agriculture at the local level, which conflicts with environmental protection rules from the regional, national or the EU level.

82. The strengthening of cooperation between administrations ultimately responds to a model of a more socially and territorially cohesive country. The IMCs (inter-municipal cooperation arrangements) and their powerful development in recent years as an alternative to amalgamation, can make it possible to design and execute public policies in a concerted manner between different institutions and thus to reduce possible inequalities between citizens across a given territory. When the levels of resources in too many municipalities are too different, this leads to different development opportunities with different levels of resources, a phenomenon which can be amplified if through a decentralisation process, strong municipalities get more powers and can use these to increase their wealth while the weak ones become even weaker. MLG arrangements can increase the acceptance and impact of certain decisions also in a broader area, for example, the construction of a power plant or a waste-processing factory that would otherwise not have been decided by a municipality on its own. These are some of the motivations for inter-municipal-regional and cross-border cooperation, as well as for the international instruments such as the ESPOO Convention on transboundary environmental impact assessment.¹⁷

83. **Cross-border cooperation** remains particularly challenging for the MLG-based approaches due to many potential differences in legislation, accountability mechanisms,

¹⁶ See for example the environmental integration requirement in the EU Treaty (Art. 11 of TFEU and its translations in national legislations).

¹⁷ [UN Convention on Environmental Impact Assessment in a Transboundary Context \(from 1991\)](#).

and political priorities across the borders. There are institutes for cross-border research, and many other initiatives and programmes¹⁸ designed to address these challenges. There have also been demands and initiatives for better horizontal instruments at the local and regional level. As mentioned before, as early as 1980, the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities was adopted and eventually complemented by three protocols, including Protocol No. 3 concerning Euroregional Co-operation Groupings (ECGs).¹⁹ At the level of the EU, the institution of the European Grouping of Territorial Cooperation (EGTC)²⁰ was introduced in 2006. Currently, the European Commission is considering a proposal to facilitate cross-border activities of non-profit associations in the EU, which might be inspiring for bilateral or multi-lateral constellations.

3. Role of MLG in the management of crises and emergencies

84. Public governance institutions can be confronted with a variety of situations which can be defined as emergencies – serious, unexpected and often dangerous situations requiring immediate action (including disasters, catastrophes, and major accidents) and crises – times of intense difficulty or danger. These can be natural events or events caused by human activity and technologies, or a combination of both: climatic events, natural disasters, pandemics, major accidents involving many casualties. They can also be the consequences of economic, financial, social decisions and other policies, as well as the direct and deliberate consequences of conflicts and acts of terror. It may well be that a crisis or emergency will lead to the introduction or reform of the MLG arrangements.

3.1 Operation and use of MLG in crises and emergency situations

85. The management of a crisis or emergency requires first and foremost the use of MLG to mobilise available resources and to possibly seek assistance and cooperation from other authorities or regions, the central State, supranational and foreign authorities; know-how, work force and sources of material, financial and other support along the multi-level, multi-sectoral and multi-actor logic, depending on the extent and dimension of the situation. The mobilisation will be facilitated if a tradition of good cooperation exists, and/or where a sound legal framework ensures the existence of MLG, providing at the same time the desirable flexibility to adapt to the unforeseen and unexpected situations.

86. In **Denmark**, the national crisis management system²¹, based on the Danish Emergency Management Act, consists of a number of cross-sectoral crisis staffs, ranging from the Local Incident Command in the response area, to the Government Security Committee. The system is constructed as a general, flexible framework which is meant to apply to any kind of accident or disaster, or large scale event. The national system can be

¹⁸ For example, the [2023 edition of the "European Week of Regions and Cities" had as one of the key themes "breaking barriers to cross-border cooperation"](#).

¹⁹ Composed of local authorities and other public bodies from the Contracting Parties, the aim of a grouping is for transfrontier and interterritorial co-operation to be put into practice for its members, within the scope of their competences and prerogatives.

²⁰ Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC). Such groupings allow public entities of different Member States to come together under a new entity with full legal personality, setting up a single joint structure to implement projects, investments or policies in the territory covered by the EGTC, whether co-financed by the EU budget or not.

²¹ See <https://www.fmn.dk/en/topics/national-tasks/the-danish-crisis-management-system>

activated as a whole or only in part, when it is considered that the situation cannot be managed through ordinary measures. It is based on the precondition that all central government, as well as regional and local authorities are responsible for familiarising themselves with, and preparing themselves for respective roles and responsibilities, and must be able to plan for the continuity and maintenance of vital societal functions, including through the development of preparedness plans.

87. The **Slovak Republic** reported that in the crisis related to the aggression of the Russian Federation against Ukraine, there was extensive communication, cooperation and coordination on all levels, including ministries and other governmental bodies and municipalities (hourly, daily, through Webex and in person) as well as with the voluntary sector, the EU and UN. During this time, three layers of coordination and management were set: 1) a team with members from several ministries, under the lead of the Ministry of Interior, was created for coordination of the daily activities and daily briefings on the national level and as a focal point for information sharing and distribution. Also municipalities, through their associations and selected NGOs were involved; 2) operational level: a regional operational centre was created to coordinate the border crossings and activity of the high-capacity centre in Michalovce and the collection of information from them; 3) contact points were created at border crossing points and the high-capacity centre in Michalovce, dealing directly with the mass influx of people from Ukraine. Inter-ministerial data collection systems were introduced for the registration of available accommodations, a system of reimbursement of accommodation and access to health care and social care.

88. From that perspective, a crisis or emergency will test the ability of the actors concerned to interact, and notably to coordinate their action. This coordination can imply new roles, a sustained action and ways of working which derogate from the daily business. Crises and emergencies will often tend to give a greater role to a central authority, which can result in a recentralisation of powers, especially of the emergency powers, in order to increase the ability of authorities to act rapidly. The COVID-19 crisis has been such example and various countries even used the opportunity to introduce derogations from the European Convention on Human Rights, in accordance with its Article 15, under the scrutiny of the Council of Europe.

89. In **France**, the health crisis has highlighted the coordinating role of the State throughout the national territory. An emergency law to deal with the COVID-19 epidemic was adopted by Parliament and promulgated on 24 March 2020. It aimed to give legislative expression to the measures announced by the President of the Republic and the Government to deal with this major crisis. The law includes various measures relating to the governance, organisation and functioning of local authorities and their groupings. Within the framework of this law, the Parliament empowered the Government to issue ordinances, some of which concern local authorities. The action of the Government is carried by the different ministries but also the local state authorities, mainly the prefectures and the regional health agencies. The regional health agencies are responsible for regional management of the health system. They define and implement health policy in the regions, as closely as possible to the needs of the population.

90. Crises and emergencies often see a much greater involvement of civil society, charities, voluntary work in relation to relief measures and assistance to the more vulnerable sectors of society particularly affected (the case of the Red Cross is a well-known example). In recent years, the ongoing climate crisis with significance in the short,

medium, and long term has led to the greater political involvement of new actors and social groups such as young people aspiring to accelerate the authorities' response and to participate in the definition of environmental and pro-climatic policies.

91. Crises and emergencies can sometimes reveal the need to make adaptations to existing MLG arrangements which will remain after the crisis is over. For instance the consequences of the financial crisis of 2007-2008 were such that this has prompted a number of debates on territorial reforms in Europe: *“Even when the worst of the crisis is over and whilst the means to be deployed will differ over time and vary from place to place, there will be a constant need for increasing efficiency across the whole of the public sector, and hence for greater collaboration between all the stakeholders, central government, local and regional authorities as well as their associations. The aim should be to remove duplication and to drive down costs arising from a lack of co-ordination, integration and flexibility in the delivery of public services, not only to meet the demands of the current fiscal situation, but also to be better placed to address longer-term social, economic, demographic and environmental changes the challenges of which will no doubt outlast the crisis. These challenges also place emphasis on the value of partnership with private and social enterprise and the voluntary sector.”*²²

92. As intermediate tiers of government appeared to be particularly exposed to the possibility of permanent changes, the Congress of Local and Regional Authorities of the Council of Europe has expressed concerns that territorial reforms could be conducted in a haste without proper assessments and solutions.²³

93. Overall, it can be said that the COVID-19 pandemic and the simultaneous occurrence of many other crises—including climate-induced disasters, economic crises, and (geo)political conflicts—have changed the scope and course of government at all levels. National and subnational authorities have suddenly found themselves back in the driver's seat following (in many countries) decades of efficiency-driven measures which ultimately led to diminished capacity to address key societal issues. Whereas national Governments have often taken the lead in overall crisis management, subnational governments (at the state, provincial and municipal levels) have been on the front lines of street-level, hands-on governance. They have been confronted with the complexity (or “wickedness”) of the challenges and compelled to deal with the paradox that many large challenges can simultaneously be crises (requiring immediate action) and complex problems (requiring multi-actor involvement and long remedial processes with many “small wins”). The cascade of crises in recent years has led to the realisation that new and existing challenges surrounding MLG need more attention.

3.2 Drawing lessons for MLG from crises and emergencies

94. During a crisis or emergency there may not be sufficient time to evaluate and formulate the lessons learned, but it could be done immediately afterwards. This would imply proper, open and fair assessments of the way a crisis or emergency was handled and the lessons that need to be drawn. A system of public governance which is founded on

²² The Kyiv Declaration of 2011. In: “Local Government in critical times: policies for crisis, recovery and a sustainable future”, Council of Europe texts, Edited by Kenneth Davey, Council of Europe publishing 2011

²³ See “Second-tier local authorities – intermediate governance in Europe”, Congress Resolution 351 (2012), Recommendation 333 (2012): <https://rm.coe.int/second-tier-local-authorities-intermediate-governance-in-europe-resolu/168071abee>

such values as those enshrined in Recommendation CM/Rec(2023)5 on the principles of good democratic governance – especially under the principles of transparency and accountability - would normally imply that such policy evaluations are carried out routinely and whenever needed.

95. In **Switzerland**, an evaluation was done of the management of the second COVID crisis phase, by the Federal Chancellery, presented to the Federal Council in June 2022 and published on the same day²⁴. The report, contains 13 recommendations for improvement, which the Federal Chancellery has been asked to implement. It pointed at the importance of matters such as coordination and consultations at the federal level, the involvement of the scientific community in the management of crises, anticipation and preparedness for future crisis, among other aspects. In **Sweden**, several such studies were conducted on various subjects: by the Swedish Agency for Public Management, on how the Swedish public administration model worked in the early stages of the pandemic; by an independent commission appointed by the Government, to evaluate how the Government, its agencies, the regions and municipalities handled the crisis overall; and by means of a Government inquiry to be presented in June 2024 on how the State cooperates and communicates with municipalities and regions in normal times and in times of crises.

96. As crises can also reveal the strengths and weaknesses at each level of the skills and resources needed for successful action in MLG, a joint SWOT analysis by national and subnational authorities can be very useful. The urgency of the situation may have led to actors resorting to innovative solutions which deviate from the normal working routines or protocols but may deserve to be used in the future.

97. A crisis or emergency constitutes a stress test for crises management bodies and coordination mechanisms were these already exist. Ad-hoc mechanisms set up during the crisis could be transformed into permanent mechanisms to develop coordination capacities to deal with future crises and emergencies. In countries where no formal mechanisms exist to collaborate between national and subnational authorities on policy and implementation issues that regard both sides, a temporary crisis mechanism could be used as the start of periodical meetings on topical themes. If the 'appetite' is not sufficiently big, a pilot could be suggested.

98. In **Lithuania**, after analysing the successes and challenges encountered during recent crises, the Government decided in 2022 to establish the Lithuanian National Crisis Management Centre, as a body directly subordinated to the Government. This Centre collaborates with various institutions such as ministries, central agencies, the military, the police, municipalities, international organisations, and private sector organisations.

99. Managing a crisis or emergency will have different implications at the different stages and moments of the situation. MLG arrangements can be important at each stage, but the roles and responsibilities entrusted to the various actors may need to change – as mentioned earlier - to suit the specific needs of the moment. There will often be:

- a) **a time for rapid consultation and action**; leadership and the ability of multiple actors to reach collective decisions and act rapidly will prevail in that stage;

²⁴ <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-89412.html>

b) **a time for the management of the situation as it unfolds**: this will require to sustain action and its momentum, secure the supply of resources and data needed for the evaluation of the situation, maintaining public trust and thus communicating with the public, ensuring that the needs and concerns of all members of society – especially the more vulnerable and most likely to be affected – are taken into account;

c) **a time for preparing the ending of special or exceptional measures** – the exit strategies, that may provide for only a conditional provisional termination of public emergency, should a risk of reoccurrence of the situation persist – as it can be observed with a pandemic, fires, acts of war or terror. This may also be the time when reporting on actions undertaken throughout a given crisis or emergency needs to be prepared for consideration of the voters and scrutinising bodies, in accordance with the principle of accountable public action;

d) **a time for post-crisis recovery measures**, e.g., dealing with damages, developing accompanying measures to get back to normal, drawing lessons as mentioned earlier etc.

100. The example of **MLG under martial law in Ukraine** is particularly relevant. By 2022, Ukraine has strengthened its multilevel governance system through the implementation of major reforms of decentralisation, territorial amalgamation and fiscal decentralisation, leading to the establishment of 1470 *hromadas* (from over 11500 before 2014) – municipal self-government entities, capable to exercise new competences, provide all the basic public services and perform key social functions adapted to the citizens' needs. The community mean population size significantly increased. The sub-regional (*rayon*) level was optimised decreasing the number of territorial entities from 490 to 136, although local self-governments at regional and sub-regional levels were not yet fully established in the absence of the Constitutional amendments. Following the fiscal decentralisation, Ukraine's municipalities became responsible for over 31% of all public expenditure (12.5% of GDP) which, according to OECD data, places its level of financial decentralisation according to these two criteria above the OECD 36 average. Thus, in just under 5 years, Ukraine implemented one of the most radical MLG reforms in Europe.

101. These reforms were key in strengthening the local level of governance and thus making it more resilient in the face of the full-scale aggression by the Russian Federation in 2022: the Ukrainian administration continued ensuring omni-present uninterrupted governance carrying out its tasks and responsibilities not only close to the front line, but even in the areas temporarily occupied or encircled by the foreign troops. Extraordinary resilience and capacity demonstrated by the Ukrainian local self-governments under martial law became evident in how they have adapted to an unprecedented and volatile wartime context, taken up new responsibilities with limited resources and introduced innovative solutions to address the challenges. Temporary "military" state administrations were introduced at regional and sub-regional levels to exercise the powers of local state administration. In the event of failure or incapacity of local self-government, or due to the occurrence of extraordinary events or security challenges "military" state administrations got the power to exercise competences of relevant regional and sub-regional councils. The President of Ukraine can also establish a military administration of the basic administrative unit in occupied, de-occupied and close to the combat line territories. When possible, the military administrations are headed by the elected local leaders. Thus, the relationship between regional and municipal governments has changed substantially with increased administrative influence given to these military administrations. Under the martial law,

some of the resources and functions have been re-centralised. Martial law also severely limited the scope for public gatherings, as well as access to information and citizen participation in municipal decision-making. The national authorities have been working on the conceptual vision of the transitional period, and the criteria for returning to the normal (civilian) MLG regime after termination of martial law, with the support of the Council of Europe.

102. Lessons drawn from the management of recent crises and emergencies have shown how these can lead to important innovations and changes with regard to working methods which can benefit the operation of MLG. A major crisis will often lead to increased use of data and evidence based policymaking: this was particularly obvious in the management of the COVID crisis, where the compilation of accurate and real-time data from various sources played an important role in the exit management of the crisis. The COVID crisis also led – through the use of on-line conferencing – to routine meetings across many countries between actors of different tiers of government but also between counterparts in different regions, sometimes for the first time ever, as it was sometimes reported.

103. The know-how accumulated in the management of crises and emergencies can also be used to train more professionals on specific skills needed for crisis management (including MLG-related matters) and thus increase the level of preparedness of the institutions concerned.

104. The government of the **United Kingdom** has carried out a number of reports and “lessons learned” exercises, following recent domestic and international crises. These identified areas for increased engagement, as well as the need for a more professional approach to crisis management both for central authorities and for devolved administrations (DA). In particular, a dedicated cross-government work programme (CMEP) was established to: a) develop common standards and language and ensure they are understood by crisis management practitioners across Government; b) ensure cross-government crisis management systems are effective, and well understood by crisis leaders and practitioners; c) ensure Cabinet Office and Departments' staff leading and taking part in crisis response have the right skills, behaviours and experience to be effective in their roles, and that they have a greater reserve of appropriately skilled and experienced staff to draw on/surge into crises, including people able to move Departments when needed. The four principal strands are: 1. a joint doctrine and common standards; 2. Training and continuous improvement; 3. Building a community of practitioners across departments, for coordination, peer learning and mutual support; 4. Exercising: a standing function and capability to test plans for near-term risks.

4. Principles for MLG

105. In the light of the findings and case studies presented above, a number of principles can be identified that should be applied whenever governments decide to establish, reform or revise MLG arrangements:

1. Compliance with the Principles of Good Democratic Governance

106. As a starting point, all aspects of a MLG arrangement need to comply with the principles of Good Democratic Governance.²⁵

2. Respect for each institution

107. Any MLG arrangement needs to recognise and be consistent with the electoral mandates of each of the institutions within that arrangement. There is also a need for a means of ensuring regular, fair and free elections giving an electoral mandate to the MLG arrangement.

3. Rationale

108. Where MLG arrangements are established, there needs to be a clear rationale, e.g., bringing policy-making closer to the people and the local circumstances; enhancing local participation and democracy; providing for a more sustainable structure; improving service delivery; giving greater value for money or generating savings; providing for better fiscal responsibility, transparency and accountability; providing for stronger or more visible leadership.

4. Legislative framework

109. Governments need to establish appropriate legislative and other frameworks which provide both flexibility, and where necessary requirements, as to the establishment and maintenance of MLG arrangements for policy formulation, for developing strategies, and for the delivery of services and regulations to deliver and improve the economic, social and environmental wellbeing of those within the state. These frameworks may, as appropriate, provide for the ending of MLG arrangements, especially those established to respond to crisis situations.

5. Oversight, responsibilities and resources

110. In any MLG arrangement there should be clarity as to where decision-making and responsibilities lie and the roles of each of the institutions covered by the arrangements for the development of strategy, for policy formulation, and for the delivery of services within the scope of the arrangements. There should be policies providing for clear lines of responsibility, regular reporting mechanisms, and mechanisms for oversight and review by the relevant representatives.

²⁵ As set out in [Recommendation CM/Rec \(2023\)5 of the Committee of Ministers to member States on the principles of good democratic governance](#) and its accompanying [explanatory memorandum](#)

a) Clear roles and responsibilities of all actors: the roles and responsibilities of each level of government need to be clearly defined, along the lines set forth in the [European Charter of Local Self Government \(CETS 122\)](#). The principle of subsidiarity will usually be applied, so that decisions are made at the level of government which is the closest possible to citizens, for successful delivery. The existence or introduction of effective mechanisms for resolving conflicts and disputes that may arise between different levels of government is important. There should be clear escalation routes to help address disagreements and maintain the functioning of the MLG arrangement.

b) Adequate resources: all of the actors in a MLG arrangement need to be adequately resourced to meet their responsibilities. Fiscal arrangements should be designed to enable resource sharing, redistribution, and accountability between different levels of government as appropriate. There should be clear lines of responsibility and accountability for financial management, with a person or body whom the electorate, elected or other bodies entrusted with scrutiny functions, can hold accountable for financial decisions.²⁶

c) Capacity building: knowledge sharing and learning between different levels of government, both domestically and internationally, should be encouraged. A culture of continuous learning and improvement within public administration should be fostered²⁷.

d) Flexibility and adaptability: as circumstances change, and may change quickly thus calling for urgent reaction, institutions and mechanisms need to be adjusted to better address emerging issues or challenges. There should be flexibility to modify governments arrangements, for instance to include additional actors or to modify their composition to change actors, especially in crisis situations. Regarding the latter in particular, as preparedness and ability to act quickly is crucial, strategies need to be developed for the management of crises, including the exit stage where the situation and MLG arrangements go progressively back to normal.²⁸

6. Accountability

111. In any MLG arrangement there should be a clear framework of accountability. This must include mechanisms to ensure that: decision makers take responsibility for their decisions; those decisions are reported on, explained, examined and, where appropriate, questioned or sanctioned; and there are effective and proportionate remedies for inappropriate decisions or omissions and any resulting actions or inactions. Accountability frameworks should ensure that actions and decisions are reported to those who can then respond to those reports as appropriate.²⁹

²⁶ See also [Recommendation CM/Rec\(2011\)11 of the Committee of Ministers to member states on the funding by higher-level authorities of new competences for local authorities](#)

²⁷ See also [Recommendation CM/Rec\(2007\)12 of the Committee of Ministers to member states on capacity building at local and regional level](#)

²⁸ See also the CDDG's [Special report on democratic governance and COVID-19](#)

²⁹ See also [Recommendation CM/Rec\(2022\)2 of the Committee of Ministers to member States on democratic accountability of elected representatives and elected bodies at local and regional level Recommendation and CM/Rec\(2019\)3 of the Committee of Ministers to member states on the supervision of local authorities activities](#)

7. Civil participation and diversity

112. The involvement of civil society organisations, community groups, and citizens should be encouraged as appropriate in any multilevel governance arrangements.

a) Civil participation: Their participation can bring diverse perspectives, local knowledge, and innovative solutions to the table. Civil engagement in the decision-making process enhances the effectiveness and legitimacy of public administrations. This can be achieved, as appropriate, through public consultations, participatory budgeting, citizen advisory committees, or other forms of engagement. Empowering citizens also strengthens accountability and responsiveness.³⁰

b) Respect for community identity: All levels of governance should be arranged to be responsive to the needs and expectations of the electorate and should take into account local views on their structure, particularly in relation to respect for community identity, and should be well-evidenced before their adoption. MLG structures should not undermine existing governance structures or have a disproportionately negative impact on minority groups or identities. Where possible, MLG arrangements should positively recognise and support community and minority identities, including in relation to customs, heritage, and language. The effect of MLG structures on communities outside of the area affected may be taken into account when this could impact on community identity.

c) Equality and diversity to foster inclusion: all MLG arrangements should be based on the principles of equality before the law and the need to protect the rights of disadvantaged or minority communities, as well as the principle of gender equality and accessibility. Every effort should be taken to ensure that MLG is accessible and provides equal opportunities for participation and accountability. MLG structures should not discriminate against or oppress any community and should, wherever possible, positively promote equality and inclusion.

8. Transparency and openness

113. In any MLG arrangement the processes and responsibilities for oversight and accountability should be readily available and accessible, including to the relevant electorates, the public, service users, and those affected by the decisions under the purview of the institutions.

a) Communication and accessibility of information: Relevant information should be easily accessible to the public. Public administrations should invest in digital technologies and e-government solutions to improve administrative processes, streamline service delivery, and facilitate citizen engagement. Public awareness campaigns may be conducted to educate citizens about their rights to access information, the importance of transparency, and how they can actively engage with public administrations. The use of various communication channels should be encouraged to disseminate information.

³⁰ See also document [CM\(2017\)83-final / Guidelines for civil participation in political decision making](#) and [Recommendation CM/Rec\(2023\)6 of the Committee of Ministers to member States on deliberative democracy](#)

b) Cooperation, coordination, and institutional arrangements: Formal mechanisms for coordination and cooperation between and across different levels of government need to be created where this benefits decision-making. 'Real-time collaborative MLG', where the levels are coming together in real time to discuss specific, pressing problems, may be privileged, especially in crisis situations. Coherence across different levels needs to be ensured by aligning objectives, harmonising regulations, and streamlining processes.

c) International cooperation: There should be international cooperation and coordination among governments at different levels to favour exchange of knowledge and experience. Member states should be proactive in encouraging international co-operation and co-ordination and should ensure that states are facilitating learning and co-operation given appropriate opportunities. Member states should also encourage local and regional actors to co-operate, including through international fora where appropriate.³¹

³¹ See also [European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities](#) (CETS 106)
[Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities](#) (CETS 159)
[Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation](#) (CETS 169)
[Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings \(ECGs\)](#) (CETS 206)

Selected reference texts and resources

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[Link to the replies to the CDDG questionnaire on MLG](#)

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European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (CETS 106) and its additional protocols: first Additional Protocol (CETS 159); Protocol No. 2 concerning interterritorial co-operation (CETS 169); Protocol No. 3 concerning Euroregional Co-operation Groupings (ECGs) (CETS 206)

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