METROPOLITAN GOVERNANCE IN EUROPE AND IN UKRAINE
LEGITIMACY, OWNERSHIP AND EFFICIENCY

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INTRODUCTION

Metropolitan areas have been developing rapidly in Europe over the past decades. This trend can also be observed in Ukraine. The reality of the 21st century is that more than half of the world's population now lives in cities. Larger cities are shaping the future of our societies, absorbing more and more territory, increasing their political and economic power, and thereby bringing new opportunities for citizens, along with emergent challenges.

Cities have been and are at the centre of the Congress' priorities. In 1992, a few years after the entry into force of the European Charter on Local Self-Government, the Congress adopted the first urban charter proposing a human rights-based approach by stressing that "urban areas must be developed for their inhabitants", thus recognising the central role that cities can play in shaping national and international policies.

The Urban Charter was updated in 2008 in the form of a "Manifesto for a new urbanity",[1] which sets out the principles of a new urban concept with a strong social dimension to improve modern urban governance. This new text conveyed an ambitious and demanding message to all those involved in urban development, a message which 10 years later is still up-to-date.

The Manifesto is an invitation to local authorities to introduce the principles of ethical governance, sustainable development and solidarity in their public policies. Based on the concept of a citizen-oriented city, it puts citizens and their concerns at the core of

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[1] European Urban Charter II – Manifesto for a new urbanity, adopted on 29 May 2008 : https://wcd.coe.int/ViewDoc.jsp?p=&Ref=URBAN-CHARTER&Language=lanEnglish&Ver=original&Site=Congress&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679&direct=true

public action and ensuring people's participation in all aspects of community life and development.

The Congress is determined to pave the way for the development of sustainable, environmentally-friendly and cohesive cities which foster integration and equal treatment of all members of the community and ensure their equal access to public services and social rights. This type of city would catalyse knowledge and innovation, and promote learning and culture for any and all. It is a city which serves as the launching pad for innovative approaches and experimentation, and which makes full use of cutting-edge technologies and practices, putting modernity at the service of citizens.

Good governance in cities and metropolises is therefore a key prerequisite in this respect. A report on "Good Governance in Metropolitan Areas" was adopted by the Congress on 21 October 2016.[2] Metropolitan areas are engines of economic development: they are becoming richer, more productive and more innovative. They are attracting international flows of labour, capital, goods, services and knowledge. As a result, these areas are increasingly becoming centres of political, economic and cultural activity. With the growth of metropolitan areas, rural hinterlands are developing rapidly: people are moving out of the city in search of more affordable housing and better quality of life.

Change in metropolitan areas does not come only from the political, economic and cultural development: it comes as well from the governance system, with an increasing role being played by non-governmental and non-elected actors.

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[2] See document CG31(2016)17final :
https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlob
Get&InstranetImage=2946586&SecMode=1&DocId=2384902&Usage=2

This new nature of governance, complex and multi-layered, brings new challenges to traditional forms of representative democracy and raises important issues with regard to the ability of metropolitan areas to remain responsive to the needs of their citizens.

The Congress report on "Good Governance in Metropolitan Areas" calls on local authorities to work together with the metropolis in order to ensure a clear division of roles, tasks and responsibilities. It invites metropolitan authorities to guarantee democratic accountability and legitimacy as well as citizen participation. The member states of the Council of Europe are encouraged to facilitate the development of appropriate multilevel governance structures for metropolitan areas.

The reports of Prof. Marco Olivetti and Prof. Giuseppe Mobilio offer different perspectives on the division of powers and competences between city and district councils within metropolitan areas, and address the role and responsibilities of local and regional elected representatives in fostering good governance practices and transparency. Metropolitan areas need appropriate governance structures and a large degree of autonomy to function effectively. These areas need to be empowered to fulfil their core tasks, such as the co-ordination of transport, strategic planning and economic development, which need to be decided and agreed by local stakeholders, by virtue of the principle of subsidiarity, and not imposed by central governments.

Due to their size and strategic importance, the governance of metropolitan areas requires careful co-ordination between several tiers of government, including national, regional and municipal authorities. Maximum transparency in the decision-making processes and robust consultation procedures are also essential.

Last but not least, citizen participation in metropolitan areas is essential to improving the democratic accountability and legitimacy of decision-making processes. All new governance structures should be held accountable and not involve any erosion of local democracy.

THE PRINCIPLE OF SUBSIDIARITY – DECENTRALISATION AND DISTRIBUTION OF POWERS AMONG NATIONAL, CITYWIDE AND DISTRICT COUNCILS WITHIN METROPOLITAN AREAS

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SUBSIDIARITY AND CONSTITUTIONAL THEORY

Although of secondary relevance in Constitutional Theory and in day-by-day political discussion until the beginning of the 1990s, the principle of subsidiarity has acquired a central importance in the last three decades as a conceptual device that may be extremely useful in order to articulate the constitutional and administrative discourse on the division and co-ordination of powers in multi-layered polities. This principle has grown in importance through the time, and it has become a common principle of European constitutional law in its widest sense, encompassing not only the European Union and the member state with an internal federal or regional (or even simply decentralised) organisation, but also the Council of Europe, in its various dimensions.

The basic idea of the principle of subsidiarity has two (different, but interrelated) sides, and may be summarised with some key-words: small is beautiful, but not in any case.

1) On one side, "decisions" concerning the common good should be taken at the level that is the closest possible to the person, and it should be left to the capability of auto-organisation of the civil society (*horizontal* dimension of the principle of subsidiarity). At the same time, when public authorities

intervene with the aim of pursuing the common good, they should be organised in a form suitable to give priority at the level that is the closest possible to the person: the municipal government is the level that should act as first and in this case the person is considered also as a citizen, who has, in this way, an opportunity of (direct) political participation (*vertical* dimension of the principle of subsidiarity). This aspect of the principle is stated very clearly in art. 4.3 of the European Charter on Local autonomy of 1985, according to which

"Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy"

2) But besides this first, *static*, "side" of the principle of subsidiarity (that we may summarise with the slogan "small is beautiful") there is also a second – *dynamic* – side. In the perspective of the principle of subsidiarity, the capability of auto-organisation of society (both of civil society and of the smallest levels of government) is not taken for granted: the smaller level is not regarded as capable to be self-sufficient in any case.

The "smaller" groups, through which society may auto-organise itself, may be absent or may fail to reach their objectives (the family and the associations are good examples of this), or may not be adequate to pursue some goals, relevant for the good life of the persons. In the same way, the municipal level of government may be inadequate or inefficient in relation to the objective of pursuing a certain aim or of administering some competences.

For this reason the principle of subsidiarity admits two integrations to the slogan "small is beautiful":

1) the first is the recognition of the possible failure of the smaller level, in order to allow the intervention of a "bigger" or "higher" level of government, while

2) the second is the recognition that on some kinds of matters the smallest level is not only occasionally, but structurally inadequate and must therefore be excluded from a certain sphere of administrative activity (national defence is the most easy example).

These two "integrations" justify a role both for public intervention in civil society and for the competences of a higher level of government, placed at a regional, a national or even at an international level. The already quoted European Charter on Local Autonomy captures very clearly some aspects of this second (*dynamic*) side of the principle of subsidiarity in art. 4.2, where the general competence of local authorities for all the matters that do not belong to the competence of other levels of government is underlined:

> "*Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority*"

The Congress has confirmed the value of the principle of subsidiarity in its 2008 Charter of Regional democracy, where the principle is defined in the following manner:

> *Article 5: Principle of subsidiarity - The allocation of public responsibilities to regional authorities shall be governed by the principle of subsidiarity, as applicable to the distribution of competences among all levels of government, which means that regional authorities shall assume those*

responsibilities which are best exercised at regional level on account of their scale, their nature and the requirements of efficiency and economy.

SUBSIDIARITY AND THE VARIOUS MODELS OF LOCAL GOVERNMENT IN LARGE CITIES

Given the wide range of situations to which the principle of subsidiarity may be applied, this framework, at the end of the day, allows only to build a general way of thinking and does not include in itself clear and simple answers to all possible problems of selection of the "best solution" concerning the relations between public authorities and civil society and the allocation of powers between the different levels of government.

This remark has to be applied also to the specific topic to which the principle of subsidiarity is related here: *Decentralisation and distribution of powers among national, city-wide and district councils within metropolitan areas.* While "metropolitanisation" is a process that has widely affected Europe in the last three decades[3], the governance of metropolitan areas must face problems that are of course very different from those of rural areas, and also from those that must be faced in small (or even medium-size) city government. And even more specific problems may emerge for those metropolitan areas where the seat of the National government is placed.

The general idea of the principle of subsidiarity may of course be applied also here in order to regulate the relations between different levels of government: these include not only the two or

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[3] W. Tortorella, M. Alluli, *Città metropolitane. La lunga attesa*, Marsilio, Venezia, 2014, p. 14.

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more levels in which the metropolitan area is usually articulated, but also the regional and national levels of government. This is evident for the regional government, especially when the population of the metropolitan area corresponds to the half, or more, of the total regional population. But also the national government is a decisive actor, both for the relevance of some policies that normally belong to its sphere of competence (public order is may be the best example) and for the relevance of a policy dedicated specifically to cities.

In general, for big cities the local government regulations adopted in the European States foresee at least *a double level of government*: on one side we have a smaller level (*Distritos*, *Municipi*, *Arrondissements*) and on the other we have a city-at-large government (*Ayuntamiento*, *Comune*, *Commune*). Usually it is the national or the regional law who establishes the limit under which district government must be created. In this perspective, a large amount of problems arise, including the choice that has to be made in selecting the level that is competent in general (while the other is competent only on specifically enumerated matters), the selection of the subject-matters recognised to the competence of the larger and of the smaller level of government and the forms of coordination or hierarchy between the two levels[4].

In this context, the main element of variation is the existence of *a further level of government* in which not only the city-at-large

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[4] An exception to the general trend towards a two-tier system, we may mention the status of London between 1985, when the government led by M. Thatcher suppressed the government of metropolitan London, and 1999, when on the proposal of the Blair government such an authority was re-created, with the institution of the Greater London Authority. For 14 years the only local government bodies that operated in the London area were the Boroughs, in which the territory of London is divided, one of which is the City of London, where only a very small portions of the population lives.

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territory is included, but also the metropolitan area surrounding it. In general, not always a metropolitan phenomenon corresponds to the creation of a territorial authority corresponding to it. The *structural solution* (creating a government for the metropolitan area) can find an alternative in a *functional solution*, more based on the co-operation between the municipal governments operating the space of the metropolitan area and on the role of functional organisations (operating for traffic and mobility, for example) leaving in some cases the role of co-ordinating agency to the national or to the regional government[5].

Concerning the metropolitan level of government, the main alternative is that between the creation of a special *status* for large cities (and especially for capitals) and the application to large cities of the general rules foreseen in general in each State for local government. Therefore, we may classify the solutions existing in Europe for Metropolitan government, around *five models*:

1) In the first model large cities have the same position of small municipalities, with the exception that they are divided in districts, with their own elected authorities, their sphere of competence (sometimes delegated by the city government) and their own budgetary autonomy. This is the solution adopted for the majority of French, Spanish and German cities, with the exceptions mentioned below in these pages. It seems that the solution adopted for Ukrainian large cities, with the exception of Kiev, may be included in this first model (but, as it

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[5] In the Italian debate on the creation of metropolitan cities the two positions have been articulated, respectively, by F. Merloni, *Il rebus metropolitano. Le soluzioni istituzionali per il governo delle grandi aree urbane: nove esperienze straniere a confronto*, IRESM, Roma, 1986 (structural solution) and by P. Urbani, *Governi metropolitani e interessi nazionali*, Cedam, Padova, 1988 (functional solution).

will be seen below in part 7, the division in districts is an open question).

2) The second model is similar to the first, because there is no specific metropolitan level of government, but just a municipal level in which only a part of the metropolitan area is included: this is currently the situation of Madrid and Bern. But in these cases the city is also the centre of a Region (a Canton in Bern, an Autonomous Community in Spain) that encompasses an area that is larger than the metropolitan area and of course larger than the city, but in which the capital city is by far the main centre. In Madrid the municipal government is divided in 21 *Distritos*.

3) In the third model, there is a metropolitan government, whose area corresponds with the municipal government and this territory has, at the same time, has the *status* of municipal government and that of a member State of a Federation (Moscow, Vienna, Berlin, Hamburg, St Petersburg) or, in a politically centralised State like France, of a Department (Paris). This organisational solution is usually special in comparison with that recognised to other cities in the same Country and one element of speciality is the fact that in these cases the municipal government is also a provincial or regional government. The administration of the city-State or of the city-province is articulated in district governments. The *status* of Kiev[6] may be included in this model.

4) In the fourth model, there is a metropolitan level of government, but it is simply another name for the Province or Department that previously existed around the Capital city: this is the situation of Rome and of other Italian metropolitan cities

[6] And that of Sebastopol, at least according to the letter of the Ukrainian law, at present not effective there for political reasons.

after 2014. In this case, the actual metropolitan area is smaller than the territory of the territorial authority created with the same name, but larger than the old municipal government: it is articulated in a municipal-wide level and in a sub-municipal district level and is also part of a Region.

5) In the fifth model, there is a specifically metropolitan level of government that is different both from the municipal and from the provincial or regional government: this is the case of Lisbon in Portugal, of London and Manchester in the UK; of Paris[7], Lyon and Marseille in France after 2015-2016; of Barcelona and Vigo in Spain[8] (but with the difference that in some of these cases the Metropolitan level of government is an autonomous corporation, while in others it is a form of municipal co-operation). Also in this case, a local government level exists in the city districts, below the metropolitan (or the city) government.

Therefore, what all these examples of metropolitan governments have in common is the existence, below the municipal government, of city districts with their own authorities that in general are elected by the citizen at the same time of the election of the city council and of the city mayor.

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[7] In the case of Paris we may see a double speciality: the metropolitan authority coordinates, among other things, a municipality that is at the same time a Department, as seen in the third model.

[8] See further informations in G. Mobilio, *Le città metropolitane*, Giappichelli, Torino, 2017, p. 167 ss.

PLACING PUBLIC SERVICE "CLOSE" TO THE CITIZENS IN ORDER TO RESPECT THEIR AUTONOMY AND TO FOSTER THEIR PARTICIPATION

The principle of subsidiarity – with its basic idea that social organisation shall be built beginning from the bottom and not from the top[9] – suggests a framework in which the problems of metropolitan governance may be placed: in principle,

1) public services should be placed at the lowest possible level;

2) citizen's (individual and collective) autonomy should be respected and

3) participation in the adoption of decisions concerning the common good should be fostered.

The city-at-large level of government should take in charge subject matters and problems that are structurally marked by a dimension that may not be afforded at the smaller (district) level, and, at the same time, should be ready to intervene in order to support, integrate and in some cases to substitute the smaller level when this latter proves to be inadequate. The same criterion should be applied for the competences of the metropolitan level of government, where it does exist in a specific form, distinct from the city level.

Of course the appreciation about the level of appropriateness of the competences recognised to a given level of government (weather at the level of metropolitan government or at the district level) may be subject to controversy (and also to political controversy): therefore it could be very useful to create some

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[9] A. Delcamp, *La démocratie municipale chez nos voisins: une typologie,* in *Pouvoirs,* 73 (1993), p. 125.

methods of measurement, in order to articulate the evaluation of the appropriateness from this point of view[10].

In order to make this approach more concrete, it may be useful to analyse some documents of the Council of Europe that have tried to articulate our topic and to take in consideration some solutions offered by comparative law and to select some further problems that make this situation more complex. For example, the question of the relation between the metropolitan government and the regional (or Member State) government must be considered.

SUBSIDIARITY IN THE COUNCIL OF EUROPE TEXTS

Fostering participatory democracy

One important dimension of subsidiarity in metropolitan governance is the role of *citizens' participation and involvement* in the local government of large cities, underlined by the Resolution number 1964 (2013) of the Parliamentary Assembly of the Council of Europe, where in article 5 it is said: "*the Assembly invites all member States of the Council of Europe to continue to promote good governance at all levels of government, to pay particular attention to large metropolises as democratic 'laboratories' and to create legislative and institutional settings that facilitate and foster citizen consultation, participation and involvement at the local level*".

Yet, if we accept the traditional idea according to which municipalities are "symbols of democratic life"[11], or if we go back to Tocqueville's very well-known statement that regards the

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[10] See the European Commission assessment on the respect of the principle of subsidiarity that must be formulated when the Commission proposes a normative act.

[11] A. Delcamp, *La démocratie municipale chez nos voisins*, p. 125.

municipality as a "school of democracy", the implementation of these principles in metropolitan areas is surely more complicated than in small or medium sized cities, but we should not give up too easily on it. Therefore, we may find in many Council of Europe documents the intent of finding in the local government level within metropolitan cities a place corresponding to the small or medium-size municipality.

In this perspective, the same Resolution 1964 (2013), at a later point, tries to develop the principle of participation, underlining the usefulness of learning from the experience of other large metropolises and of implementing European standards of good governance: participatory instruments should be developed, citizens should be effectively consulted, education to democratic participation should be fostered, especially for young peoples, information technology should be fully used; the existence of national interests in the government of large cities should be made transparent:

8. With a view to consolidating and promoting good democratic governance and citizen participation at the local level, not least by learning from experiences made in some of the large metropolises, the Assembly calls on member States to:

8.1. create a legislative and institutional framework for local democratic structures and processes in a way that allows for effective local self-government of large metropolises;

8.2. foster and promote approaches of good governance of large metropolises, in particular by implementing existing European standards and organising exchanges of good practice at both national and international level (including through local government associations);

8.3. whenever there is increased national interest in the development of metropolitan areas (as is often the case for capitals or cities which are economic drivers), ensure that this interest is made transparent and that local authorities and, through them, local citizens affected by developments, are fully recognised as stakeholders in the development process;

8.4. give priority to upholding and further developing participatory mechanisms at the local level by allocating sufficient resources, designing appropriate procedures, allowing for the qualification of staff and raising awareness among citizens of the various possibilities of getting involved;

8.5. along with organising transparent citizen consultation concerning urban developments which are initiated by public authorities or private stakeholders (top-down approach), foster and develop participatory mechanisms in which citizens themselves can be actively involved in local development by expressing their concerns, stimulating developments that correspond to their needs and actively engaging in their local communities (bottom-up approach);

8.6. conceive and implement specific awareness-raising and education programmes on democratic citizenship involving young people from an early age in order to help them become interested and active citizens of their communities, irrespective of their level of education or social strata;

8.7. promote the use of communication technologies and social media in citizen participation at the local level (dedicated websites, social networks, e-mail, local television) whenever appropriate.

In other words, if representative democracy at local and at metropolitan level is the unavoidable dimension of democracy, and if representation may be occasionally integrated by the use of some direct democratic devices, the Council of Europe recalls here the importance of participative democracy, and of its typical instruments, like public consultations, dialogue, public debates. In this instrument the focus is placed less on counting votes or opinions and more on the obligation for the participants to the dialogue to offer arguments and to give motivation for their positions: and this argumentative onus lies both on governing authorities and on organised citizens that are required to channel their interests and demands in a dialogue. If this dimension of local government is properly activated a huge progress may be made in term of the quality of the governance of large cities.

Decentralisation within large cities

We may recognise a certain "flavour" of subsidiarity also in Recommendation number 188 (2006) of the Congress of Local and Regional authorities on *Good Governance in European Metropolitan Areas*. In this document, the member States are invited on one side to "*create forms of integration, effective co-operation and coherence to co-ordinate the separate and fragmented local authorities*" and to "*create horizontal and vertical co-operation or co-ordination between various levels of public authorities as well as between these authorities and the non-governmental sector*". At the same time the principle of subsidiarity is expressly mentioned in number 8.IV.c of this document, concerning accountability, where the Congress says that "*the division of tasks and responsibilities of conception, decision making and implementation between and within different institutions in metropolitan areas has to be clear*" and that "*according to the principle of subsidiarity*" the implementation of tasks and the

accountability towards stakeholders "*should be assigned … as close as possible to the citizen*".

But the most clear statement may be found in the *European Urban Charter II*, adopted in 2008, where it is formally affirmed that, "*with regard to local powers and responsibilities, we believe that appropriate devolution is a key to the proper democratic functioning of our towns and cities. In this connection, we reiterate our attachment to the principle of subsidiarity, which regulates the proper relationship of powers between the national and local levels*".

But the *European Urban Charter II* does not stop with this general statement, in which the principle of subsidiarity is invoked for the regulation of the relation between national and local levels. Actually, the document continues underlining that "*the principle of subsidiarity cannot stop halfway between central and local level. It must also guide the distribution of responsibility between the different level of local government and within local areas. In keeping with this spirit, we believe that the general principle governing the allocation of public management responsibilities in our towns and cities must be based on a* constant concern for closeness to urban citizens. *This principle should apply, for example, both to large conurbations and to infra-municipal areas (neighbourhoods, wards, districts), which should be able to have their own elected assemblies, budget and local power responsibilities. Furthermore, the devolution of regional and local powers and responsibilities should be accompanied at all relevant levels by the resources, particularly financial resources, needed for the full exercise of those responsibilities*".

In this perspective, decentralisation within large metropolises should include the creation of elected assemblies at the district and not only at the city-at-wide level, together with devolution to them of responsibilities and of financial resources and budget autonomy.

Subsidiarity and solidarity between local areas

In my opinion, it is important to underline that solidarity, in itself, is a dimension of the principle of subsidiarity, if the latter is not intended simply as a reserve of competence in favour of the smaller level of government but as a principle that includes also a dynamic dimension, allowing and even requiring the intervention of higher levels when the smaller fail.

Yet, solidarity goes in a certain sense beyond subsidiarity, if it is perceived as a need of solidarity between different local governments (therefore: horizontal and not vertical solidarity) and as a need of redistribution of resources between most- and less-favoured areas. The *Urban Charter II* underlines this element affirming that "*the need for special equity requires that towns and cities be able to contribute for redistributing resources. Such measures should make it possible to reduce unavoidable special inequalities*" and that "*the weakening of State supervision and the resulting emancipation of towns and cities should not be at detriment of much needed solidarity between local areas. The increasing independence of towns and cities should not lead to ruthless, unregulated competition between local areas. (…) The State should be the guarantor of this solidarity, which should be set in a context of balanced regional, national and European spatial planning*".

Here we may see that also National powers – not only the metropolitan and the local levels government – must participate in the metropolitan governance. This is usually self-evident in countries with a strong centralistic tradition, but this dimension should not disappear even if the principle of local self-government is fully accepted and implemented in constitutional and administrative organisation. The abovementioned requirement that national interests in the government of large metropolises

should be made transparent does not exclude that those interests are in principle suspect, but only that they have to be brought to the knowledge of the citizens and may be placed in the context of local democratic government.

THE PRINCIPLE OF SUBSIDIARITY AND THE GOVERNMENT OF LARGE UKRAINIAN CITIES

The principle of subsidiarity should be applied also to the Ukraine constitutional system, not only because Ukraine ratified in 1993 the European Charter of Local Self-Government, but also because some Ukrainian constitutional principles go in this direction, notwithstanding the Soviet heritage that left in the Country a constitutional culture that did not foster citizen participation and as ruled by the principles of the vertical of power and of the concentration of political power in State authorities[12].

The basic principles of the Ukraine Constitution of 1996[13] outline a complex equilibrium between the adoption of a "unitary" form of State (art. 2) and the recognition and the guarantee of local self-government (art. 7): art. 5 regards both the State and local

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[12] See the paper Aston Centre for Europe - Aston University, *Local and regional government in Ukraine and the development of cooperation between Ukraine and the EU*, European Union, Brussels 2011, in http://cor.europa.eu/en/documentation /studies/Documents/local-regional-government-ukraine.pdf, p. 4 and 5.
In the Resolution - CG(25) 8 FINAL, *Local and regional democracy in Ukraine*, 31 October 2013, it is possible to find the following opinion: "11. Generally speaking, the present system is marked by its "soviet lineage" and bears the "sequels": a lack of transparency and clarity regarding the architecture of local and regional self-government, vertical allocation of prerogatives showing scant respect for the subsidiarity principle (very vague allocation of responsibilities between a multitude of local administrative units), a system of public finance poorly suited to the modern-day needs of a market economy and a risk of malfunctions in coordination and co-operation between the territorial units of the state administration and those of local authorities."
[13] The text quoted here is the English translation published on the OCSE website.

government as expressions of popular sovereignty[14] and art. 3 affirms that the State is answerable to the citizens for its activities, which implicitly involves a local government dimension, because accountability is fully possible specially in that dimension. Furthermore, art. 38 connects local government with democracy, recognising the right of all citizens to "participate in the administration of State affairs, in All-Ukrainian and local referendums, to freely elect and to be elected to bodies of State power and bodies of local self-government" and the "equal right of access to the civil service and to service in bodies of local self-government".

The search for equilibrium between top-down and bottom-up logics may be seen in art.118, concerning decentralisation of State power[15], and in art. 119, where the powers of local State

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[14] Art. 5.2: "The people are the bearers of sovereignty and the only source of power in Ukraine. The people exercise power directly and through bodies of state power and bodies of local self-government."

[15] Art. 118 - The executive power in oblasts, districts, and in the Cities of Kyiv and Sevastopol is exercised by local state administrations. / Particular aspects of the exercise of executive power in the Cities of Kyiv and Sevastopol are determined by special laws of Ukraine. / The composition of local state administrations is formed by heads of local state administrations. / Heads of local state administrations are appointed to office and dismissed by the President of Ukraine upon the submission of the Cabinet of Ministers of Ukraine. / In the exercise of their duties, the heads of local state administrations are responsible to the President of Ukraine and to the Cabinet of Ministers of Ukraine, and are accountable to and under the control of bodies of executive power of a higher level. / Local state administrations are accountable to and under the control of councils in the part of the authority delegated to them by the respective district or oblast councils.
Local state administrations are accountable to and under the control of the bodies of executive power of a higher level. / Decisions of the heads of local state administrations that contravene the Constitution and the laws of Ukraine, other acts of legislation of Ukraine, may be revoked by the President of Ukraine or by the head of the local state administration of a higher level, in accordance with the law. / An oblast or district council may express no confidence in the head of the respective local state administration, on which grounds the President of Ukraine adopts a decision and provides a substantiated reply. / If two-thirds of the deputies of the composition of the respective council express no confidence in the head of a district

administrations are regulated[16]. This search for equilibrium may also be seen in the provisions concerning the global design of the "*territorial structure of Ukraine*" (Chapter VIII). According to art. 132 of the Constitution, "*the territorial structure of Ukraine is based on the principles of unity and indivisibility of the state territory, the combination of centralisation and decentralisation in the exercise of state power, and the balanced social and economic development of regions with account of their historical, economic, ecological, geographical and demographic characteristics, and ethnic and cultural traditions*". According to art. 133, "*the system of the administrative and territorial structure of Ukraine*", "*is composed of the Autonomous Republic of Crimea, oblasts, districts, cities, city districts, settlements and villages*"; in this same provision we may find a list of the oblasts in which the territory of the Republic is divided and of the two cities – Kyiv and Sevastopol – to which a "special status", determined by the law, is recognised. While the Constitution recognises legislative powers to the Region of Crimea, the Oblast are defined as administrative Regions, according to the French or Polish models. Chapter IX of the Ukrainian Constitution regulates Local government, that is defined in art. 140 as **"***the right of a territorial community (…) to independently resolve issues of local*

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or oblast state administration, the President of Ukraine adopts a decision on the resignation of the head of the local state administration.

[16] Art. 119 – Local state administrations on their respective territory ensure:/ 1) the execution of the Constitution and the laws of Ukraine, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine and other bodies of executive power; / 2) legality and legal order; the observance of laws and freedoms of citizens; / 3) the implementation of national and regional programmes for social and economic and cultural development, programmes for environmental protection, and also - in places of compact residence of indigenous peoples and national minorities – also programmes for their national and cultural development; / 4) the preparation and implementation of respective oblast and district budgets; / 5) the report on the implementation of respective budgets and programmes; / 6) interaction with bodies of local self-government; / 7) the realisation of other authorities vested by the state and also delegated by the respective councils.

character within the limits of the Constitution and the laws of Ukraine. (…) Local self-government is exercised by a territorial community by the procedure established by law, both directly and through bodies of local self-government: village, settlement and city councils, and their executive bodies"[17].

The Constitution on one side reserves to the national legislation the regulation of *"particular aspects of the exercise of local self-government in the Cities of Kyiv and Sevastopol"*, but, at the same time, leaves to the competence of city councils *"the issue of organisation of the administration of city districts"* (art. 140). The Constitution, thus, opens the way to the creation of various forms of self-government organisations, but also in this case, leaves the decision to the representative organs of local government, who are entitled to recognise representative bodies "closer" to the citizens: *"village, settlement and city councils may permit, upon the initiative of residents, the creation of house, street, block and other bodies of popular self-organisation, and to assign them part of their own competence, finances and property*"[18].

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[17] Another provision of art. 140 states that "District and oblast councils are bodies of local self-government that represent the common interests of territorial communities of villages, settlements and cities".

[18] Rules concerning the political organization of Local Government are to be found in art. 141 of the Ukrainian Constitution:

"A village, settlement, city, district and oblast council is composed of deputies elected for a five-year term by residents of a village, settlement, city, district and oblast on the basis of universal, equal and direct suffrage, by secret ballot. The term of the authority village, settlement, city, district and oblast council, the deputies of which are elected at regular election is five years. The suspension of the term of the authority of village, settlement, city, district and oblast councils have consequences of suspension of the authority of the appropriate council deputies. / Territorial communities elect for a four-year-term on the basis of universal, equal and direct suffrage, by secret ballot, the village, settlement and city head, respectively, who leads the executive body of the council and presides at its meetings. The term of authority of the Head of village, settlement, city, district and oblast council, elected at regular election is five years. / The regular election of the village, settlement, city,

district and oblast councils, village, settlement, city heads are held on the last Sunday of October of the fifth year of authority of the respective Council or the respective Head, elected at regular election. / The status of heads, deputies and executive bodies of a council and their authority, the procedure for their establishment, reorganisation and liquidation, are determined by law. / The chairperson of a district council and the chairperson of an oblast council are elected by the respective council and lead the executive staff of the council".

Art. 142 and 143 define the budgetary powers and the competences of the local government authorities.

Art. 142 – "The material and financial basis for local self-government is movable and immovable property, revenues of local budgets, other funds, land, natural resources owned by territorial communities of villages, settlements, cities, city districts, and also objects of their common property that are managed by district and oblast councils. / On the basis of agreement, territorial communities of villages, settlements and cities may join objects of communal property as well as budget funds, to implement joint projects or to jointly finance (maintain) communal enterprises, organisations and establishments, and create appropriate bodies and services for this purpose. / The State participates in the formation of revenues of the budget of local self-government and financially supports local self-government. Expenditures of bodies of local self-government, that arise from the decisions of bodies of state power, are compensated by the state".

Art. 143 – "Territorial communities of a village, settlement and city, directly or through the bodies of local self-government established by them, manage the property that is in communal ownership; approve programmes of socio-economic and cultural development, and control their implementation; approve budgets of the respective administrative and territorial units, and control their implementation; establish local taxes and levies in accordance with the law; ensure the holding of local referendums and the implementation of their results; establish, reorganise and liquidate communal enterprises, organisations and institutions, and also exercise control over their activity; resolve other issues of local importance ascribed to their competence by law. / Oblast and district councils approve programmes for socio-economic and cultural development of the respective oblasts and districts, and control their implementation; approve district and oblast budgets that are formed from the funds of the state budget for their appropriate distribution among territorial communities or for the implementation of joint projects, and from the funds drawn on the basis of agreement from local budgets for the realisation of joint socio-economic and cultural programmes, and control their implementation; resolve other issues ascribed to their competence by law. / Certain powers of bodies of executive power may be assigned by law to bodies of local self-government. The State finances the exercise of these powers from the State Budget of Ukraine in full or through the allocation of certain national taxes to the local budget, by the procedure established by law, transfers the relevant objects of state property to bodies of local self-government. / Bodies of local self-government, on issues of their exercise of powers of bodies of executive power, are under the control of the respective bodies of executive power".

The abovementioned provisions of the Ukraine Constitution leave clearly to the city government authorities the decision concerning the decentralisation within the city, and therefore the creation of district councils, with a specific sphere of competence, budgets and responsibility.

At the moment, there are 19 Ukrainian cities who have decided the creation of city districts, for a total number of 111 city districts in the whole Country[19].

It may be questioned which is the minimum demographic level that requires the introduction of districts within a city and in Europe different solutions may be found (a dividing line could be established around 250.000 or at least around 500.000 inhabitants[20]). And it may also be object of discussion if specific characters of some city may favour or not the development of a local government culture at a district level, especially when the areas of districts seem to be deprived of a common identity and risk to be the product of an artificial, top-down, creation.

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[19] The only source in English to which I have been able to gain access is usually considered not particularly reliable from an academic point of view: https://en.wikipedia.org/wiki/Urban_districts_of_Ukraine. The cities with districts are: Kiev, Sevastopol, Donetsk Oblast, Dnipropetrovsk Oblast, Zhytomyr Oblast, Zaporizhia Oblast, Kirovohrad Oblast, Poltava Oblast, Luhansk Oblast, Lviv Oblast, Mykolaiv Oblast, Odessa Oblast, Crimea/Simpheropol, Sumy Oblast, Kharkiv Oblast, Kherson Oblast, Cherkasy Oblast, Chernivtsi Oblast, Chernihiv Oblast. This list includes the first seven Ukrainian cities for population (all with more than 700.000 inhabitants). If these datas may be regarded as reliable and updated, the cities with more than 250.000 inhabitants without districts are: Kryvyi Rih (652.380 inhab.), Mariupol (481.626 inhab.), Khmel'nyts'kyy (398.346 inhab.), Sevastopol (379.200 inhab.), Makiyivka (376.610 inhab.) and Vinnytsya (352.115 inhab.), Horlivka (278.550 inhab.) and Rivne (255,106 inhab.).

[20] According to news reported in http://worldpopulationreview.com/countries/ukraine-population/cities/ (visited on Oct. 20, 2017, at 12.12 a.m.), Ukraine has 5 cities with a population beyond 1 million, 4 with a population between 500.000 and 1 million, 13 between 250.000 and 500.000, and 19 cities with a population between 100.000 and 250.000 (two of these latter are very close to the 250.000 limit).

But at least it should be clear that, on one side, the creation of local districts, with democratically legitimated authorities and specific responsibilities, is necessary in those cities where local, sub-city identities exist (and the demand of citizens for the creation of such organs is a useful indicator of the existence of such "identity").

On the other side, even when a part of a city has been created recently and lacks a common history and therefore does not yet have a common identity shaped by the time, identity is gradually generated through the life of peoples in a common and shared space and therefore the recognition by the city council of district authority may be an useful instrument to give roots and substance to political democracy through the creation of a political and administrative space where citizens may gain spaces for influencing decisions concerning their common life and public services may be offered close to the citizens.

The recognition of districts within large cities should not be implemented at the expenses of city-wide solidarity, also given the fact that solidarity is simply the other face of subsidiarity: the devolution of power to the level that is closest to the citizens should be harmonised with the responsibility of the city-wide authorities for the overall development of the city and for the equilibrium between its parts, in a context of national solidarity.

OVERVIEW OF THE EXISTING METROPOLITAN GOVERNANCE SYSTEMS

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Governance in metropolitan areas is a relevant indicator of the way we conceive of territorial autonomy, democracy, and the enjoyment of freedoms. It is the outcome of a balancing exercise between centralism and localism. Accordingly, governance in metropolitan areas is a key element to understand the history of many countries, but also a mirror of the state of nowadays institutions.

The background is well known. The economic crisis that is striking the Eurozone since 2008 has triggered several transformations. As Professor Tania Groppi highlighted, the crisis brought to the fore the need to reform and shrink territorial government to reduce public expenditure and implement the European policy of austerity.

But more in general, many European States have launched reforms of the overarching regional and local systems. In this context, they have also experimented reforms of metropolitan governance, as a different way of governing areas that, for their specificities, require a differentiated approach.

Indeed, recent metropolitan reforms in Europe encompass a wide spectrum of different solutions:

- For instance, some countries have instituted new levels of government, which are conceived of as engines of socio-economic development. This is the case of the "Métropoles"

introduced in France in 2010, or the "Città metropolitane" created in Italy in 2014.

- Other Countries, instead, have abolished the compulsory metropolitan-level, as it happened in the Netherlands in 2014, with the city-region of Amsterdam.

These experiences entail vices and virtues and act as models and benchmarks for other countries where metropolitan reforms are under consideration.

"What is a metropolitan area?"; "what boundaries must a metropolitan authority have?". In each country there is a different answer to these questions, because different variables and factors - of geographical, social, economic, and urban nature – play a role.

There is a political problem of which variables should be considered and how they interact with themselves and with administrative boundaries. Metropolitan areas are defined by socio-economic phenomenon, commuting flows, demographic dimensions, urban extension, density of non-agricultural activities. And very often institutional boundaries don't coincide with the effective perimeter of a metropolitan area.

OECD defines a metropolitan area as a "functional urban area" of at least 500.000 inhabitants. The functional area is an urban agglomeration with a continuously built-up urban core and surrounding areas. The limits of the functional area are determined by the share of the inhabitants that commute from surrounding areas into the urban core.

Across OECD countries, metropolitan areas cover only 4% of the land, but count for roughly half of the population (200 million people) and close to 55% of gross domestic product (GDP); and

roughly two-thirds of the population lives in urban agglomerations with more than 50.000 inhabitants.

Each country has chosen very different criteria to define the perimeter of a metropolitan authority:

- In Italy, for example, Metropolitan Cities coincide with old Provinces that were delimited by the State in the XIX century.

- In France Métropoles are identified with territories "with continuity and without enclave", defined differently based on voluntary or compulsory procedures: in the first case they encompass 400.000 inhabitants, inside an "aire urbain" (defined by urban and manpower parameters).

- In Germany, there is no local authority defined as "metropolitan city"; instead, there is, a galaxy of different authorities, in particular inside "Metropolregionen".

How are these areas governed? Which institutional solutions and democratic practices are experienced? How are administrative functions exercised and resources found? These questions cannot be addressed with the same approach as for traditional and historical territorial authorities, like "boroughs", "communes", "municipios", "counties", "départements", "provincias", to cite only a few.

In metropolitan areas, we don't refer to communities as traditionally rooted on a specific territory. Metropolitan authorities are peculiar because their essence is that of a socio-economic phenomenon. We have a completely different framework and, therefore, completely different needs regarding government.

Quantitative data: in the OECD report 2015, 68% of analysed metropolitan areas have governance bodies. 18% have the right to impose regulations.

Competencies: 81% of metropolitan governance bodies work on regional development, 78% on transport and 67% on spatial planning. There are also waste disposal (35%), water provision (35%), culture and leisure (29%), tourism (26%), sewerage (26%), energy (15%).

Different solutions:

- informal/soft co-ordination 52%
- inter-municipal authorities 24%
- supra-municipal authorities 16%
- special status of "metropolitan cities" 8%

Most of the above-mentioned solutions coexist in the same country.

I would now point out some issues for the following discussions:

1. The Constitutional framework must be considered.

There is a very different habitat for metropolitan authorities when there isn't a written constitution, as in United Kingdom, where you can rest on a very long-standing tradition in local government and where relationships with Parliament assume a different shape and role than in other countries.

Or consider the autonomy recognised by federal constitutions, as in Germany, or regional constitutions, as in Spain, where state or regional levels have many competences on local systems or financial autonomy.

Consider also constitutions that express regimes of unitary sovereignty. Think of Italy, where the constitution recognises to metropolitan authorities administrative, financial, statutory autonomy; or France, where the constitution affirms the principle of "libre administration des collectivités territoriales" and the principle of "décentralisation".

2. <u>Democratic legitimacy and accountability of political bodies.</u>

Data of OECD situation:

- Elected officials from local governments sit on 55% of all governance bodies.

- In 7% of all cases, governance bodies include representatives of other interest groups or private citizens in addition to appointed officials.

- Ad-hoc public elections are held in 11% of cases.

- 13% of governance bodies include members that have been selected on other criteria. In those cases, representatives are typically appointed by national governments or higher levels of sub-national governments.

I believe that OECD means all forms of governance bodies, not only political or representative ones. This implies encompassing a full range of situations, from direct elections of the metropolitan bodies, such as with the "Métropoles" in France, from 2013, or the Mayor of Greater Manchester, this year to the appointment of the metropolitan representatives indirectly from the component local governments, like Spanish "Áreas metropolitanas", and Italian "Città metropolitane".

Here the mind goes to the European Charter of Local Self-government, and to provisions that the right to manage public affairs «shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage». As we know, Spain has made a specific reservation for "provincias" and their indirect elected bodies; instead, Italy considers itself to be bound by the Charter in its entirety.

3. <u>Other aspect deal with metropolitan functions. We can't limit ourselves to the legislative provisions.</u>

First of all, there is a connection between functions and legitimacy of political bodies: if metropolitan authorities directly provide services and amenities, it is expected that their political bodies are directly accountable; if these tasks are at the expense of municipalities, there can be also a dimming in legitimation of political bodies, for example through an indirect election of them or alternative forms of democratic participation.

We shall also focus on praxis and enactment, on the concrete exercise of administrative functions, on the real "decentralisation and distribution of powers in metropolitan areas", to quote the title of the following session.

There are metropolitan authorities that offer directly services and amenities with their own employees (as some Italian Metropolitan Cities, for management of roads or school buildings), and other metropolitan authorities that resort to functional bodies. Greater London Authority is the paradigmatic example of this.

PRACTICAL GUIDELINES FOR UKRAINIAN LOCAL AND REGIONAL REPRESENTATIVES

From a theoretical point of view, all models swing between two fundamental antipodes: structural and functional solutions.

Examples of structural solutions are:

- Integration: institution of a new authority as the result of an amalgamation process, in which an authority expands its territorial jurisdiction by merging of other authorities.

- One-tier government: the creation of a one-tier government, with a new authority entrusted with administrative functions for the entire area, also in place of the territorial level closer to the population.

- Capitals: attribution of a special constitutional status to the entire capital city.

These patterns present criticalities in:

- Producing higher costs and lack of responsiveness.

- Triggering complex reforms, with risks of rejection of the new institution from multi-layer systems.

- Leading to better infrastructure development and planning, but not equity.

- Political infeasibility.

- Higher tendency in centralization of competences.

Examples of functional solutions are:

- Associations: creation of more flexible institutions for managing specific services or administrative functions.

- Administrative tools: sharing offices, agreements between public bodies, mandate of functions.

These patterns present criticalities in point of:

- Fragmentation, with a patchworked distribution of administrative competences and functions.

- Lower capability and strength in taking decisions with a vision for the entire area.

- Lack of territorial representation inside political institutions.

- Risk to abandon dynamics of development inside metropolitan area to relations of power.

None of inter-municipal, supra-municipal or metropolitan governance concretely experienced can be entirely encompassed inside these conceptual models. All experiences borrow some aspects from the one or the other antipode, trying also to overcome criticalities mentioned. Each country practises solutions by mixing structural and functional aspects.

Attempts to strengthen functional solutions are:

- Obligation for municipalities to establish associations for exercising specific competences.

- Obligation for municipalities to transfer to associative institutions specific functions.

- Creation of specialized Agencies and ad hoc bodies with jurisdiction for the entire area on specific tasks.

Attempts to mitigate structural solutions:

- Indirect election of metropolitan bodies, e.g. by choosing metropolitan councillors between mayors, giving them a political mandate in representing municipalities.

- Dividing the principal municipality in more administrative entities in order to weaken the centripetal force of the metropolitan core centre.

- Granting a significant financial autonomy to municipal level inside metropolitan areas.

During the roundtable in Kiev were specifically discussed the following European metropolitan models:

Greater London Authority:

Greater London is maybe the oldest and the European most paradigmatic example of metropolitan system of governance.

London Government Act 1963 had introduced for the first time a two-tier system, in which over the 32 boroughs councils and the City of London it was established the superior level of Greater London Council. After that in 1986 the Greater London Council was abolished by the Conservative government, the Greater London Authority was established by the Greater London Authority act 1999. Nowadays the GLA is headed by the directly elected

executive mayor of London and the elected 25-member of the London Assembly, showing the features of a structural solution. But GLA has strategic powers over strictly determined but relevant sectors, i.e. transport, policing, economic development, and fire and emergency planning. Moreover, in its DNA, the Greater London Authority has a "thin" bureaucratic administration, because responsibilities for delivering of services in these areas are entrusted to several functional bodies. Furthermore, the GLA coexists with the 32 boroughs inside its perimeter, which are responsible in health care, social services, planning applications, waste collection and disposal. There is also a clear separation between competences of GLA and boroughs (co called "London-wide but boroughs").

The GLA is mostly funded by direct government grant, but it's also a precepting authority, with limited power of collecting local taxes.

Città metropolitana:

In April 2014, the Italian Parliament passed Law n. 56/2014, which overhauled all the system of intermediate local authorities and established the new tire of government called Città metropolitana.

The territories of the 10 most important provinces of the country (Rome, Milan, Naples, Turin, Genoa, Bologna, Florence, Venice, Bari and Reggio Calabria) have been transformed into metropolitan cities with special powers, opting for a structural solution.

The new Metropolitan Cities have been operational since 1 January 2015. The Città metropolitana is composed of the municipalities (Comuni) that had been part of the same province.

The metropolitan structure of government presents relevant functional features. Each Città metropolitana is headed by a

Metropolitan Mayor (Sindaco metropolitano), who is the mayor of the chief town (capoluogo). The metropolitan mayor is assisted by two bodies: a legislative body, the Metropolitan Council (Consiglio metropolitano), whose members are indirectly elected by the city councils of each municipality in the Città metropolitana; and a non-legislative assembly, the Metropolitan Conference (Conferenza metropolitana), which is composed of the mayors of the municipalities inside metropolitan area.

The Metropolitan Cities retain all the fundamental powers that legislation used to yield to the provinces, i.e. powers concerning the so-called wide-area (agriculture, environment, maintenance of school facilities, tourism, etc.). Innovatively, the Law n. 56/2014 sets out a list of six new competences: the adoption of a three-year strategic plan for the metropolitan territory; general urban planning; coordination and network of public services; local infrastructures; economic and social development; and promotion and coordination of Information and Communications Technology (ICT) infrastructures. Each function has to be exercised by Metropolitan Cities in strict cooperation with municipalities.

The Metropolitan Cities are mostly funded by direct government grant or sharing in government revenues, with a very limited taxing power.

Métropole:

Also in France, recent reforms have introduced a new tire of metropolitan government called Métropole, in a contest of a widespread tradition of functional and inter-municipal cooperation.

In a first moment, Law n. 1563/2010 allowed municipalities with specific demographic, geographical and economical characteristics

to switch in new metropolitan authorities. A few years after, Law n. 58/2014 introduced important changes, as the elimination of this voluntary procedure and the institution of Métropoles by law, transforming some existing établissements public de coopération intercommunale (i.e. previous associations between municipalities) in metropolitan authorities, steering the new Métropoles toward a structural way.

Métropoles are governed by a metropolitan councils (Conseils de la Métropole), directly elected since 2013, a president elected by the Conseil, and another collegial body (Conférence métropolitaine), composed by all the mayors of municipalities inside metropolitan perimeter, to ensure cooperation with municipalities and civil society.

The new metropolitan authorities retained all competences of previous établissements public de coopération intercommunale and gained a set of new functions which municipalities have to transfer to them, in field of economic, cultural and social development, spatial planning, housing, environment, urban security.

Metropolitan cities in France benefit from an advanced fiscal autonomy, more than similar local authorities in other Countries. Métropoles have a taxing power, that guarantees the half of the incomes, but they also take advantage of tariffs of public services and sharing in government revenues.

Àreas Metropolitanas:

Spain has an institutional tradition in inter-municipal cooperation through different and flexible associations (principally Mancomunidades and Consorcios). This is one of the principal reasons that justify the lacking diffusion of metropolitan authorities

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in Spain, but also, on the one hand, the functional characterisation of the few metropolitan authorities that have been established and, on the other hand, the concentration of their competences inside specific sectors or public services.

The most relevant metropolitan authority is the Àrea Metropolitana of Barcelona, established by Law of Catalunya n. 31/2010. In 1974 the Corporación Metropolitana de Barcelona was created, but in 1987 it was abolished and substituted by a new Mancomunidat with competences in urban planning and infrastructures, and by several functional bodies with competences in waste collection and disposal, water service, transport.

Nowadays Àrea Metropolitana of Barcelona comprehends 36 municipalities, corresponding a wider area of the previous Corporación. The AMB is governed by a metropolitan council (Consejo Metropolitano), representing all the municipalities of the area and elected by municipalities; a President, elected by Consejo Metropolitano; an executive body (Junta de Gobierno).

The AMB has a mixed funding system: most incomes derives from municipal grants, even if the law attributes also a limited taxing power.

As anticipated, the AMB carries out some functions of coordination for the wide-area into determined sectors, and it is ultimately considered as an authority without direct political legitimacy that works on the basis of strategic tasks.

Metropolregionen

In the European landscape of metropolitan governance, a paradigmatic example of functional solutions is offered by Germany. In this federal State there is not a territorial authority

namely called "metropolitan city", although metropolitan areas are governed by networks of different local authorities.

Cooperation and interaction involves all territorial levels, included national level (Bund), federal States (Länder), Districts (Kreise) as municipal association, municipalities belonging to Districts (Gemeinden), urban centres not belonging to Districts (kreisfreie Städte), but also Länder with the attribution of Capital City Region (e.g. Berlin-Brandenburg). Each Länd exercises also legislative power on local authorities and defines manners of regional collaboration in many ways.

This has led to a wide range of initiatives to enable cross-Länder regional associations. Consequently in Germany many areas with specific socio-economic characteristics are identified as metropolitan regions (Metropolregionen) (e.g. Bremen-Oldenburg, FrankfurtRheinMain, Hamburg, Hannover, Mitteldeutschland, Nürnberg, Rhein-Neckar, Rhein-Ruhr, Stuttgart). Each metropolitan region is an association participated by private and public actors, each one with its own structure of government.

Recommendations for discussion

Functional solutions are more flexible and more appropriate for still not stabilized metropolitan system of governance. Instead structural solutions are more rigid and more suitable for cooperation considered solid and experimented.

In the light of these suggestions, there are some topics that could be discussed closer.

1. Establishment of metropolitan governance

The establishment of metropolitan governance require a cooperative background to strengthen the cohesion and to prevent future conflicts inside metropolitan area.

Central State can't adopt a mere authoritative top-down approach: both the institution of metropolitan authorities, or the tying of mandatory or facultative cooperation between local authorities, requires the involvement of the interested actors. The aim is, for example, to prevent single municipalities blocking the annexation or the extension of boundaries in governance system.

-   What is the best option between functional or structural solutions in relation to previous level of cooperation inside metropolitan areas?

-   Which kind of participation of communities or institutional authorities fits on specificities of metropolitan area?

-   Which kind of information is guaranteed to communities or institutional authorities involved?

-   How much is the system of governance flexible? How metropolitan boundaries can be modified? How new actors can be involved?

2. Distribution of functions

Between metropolitan authorities and lower levels of government it must be a clear distribution of functions. In some cases, competences can be carried out and policies can be implemented by ad hoc bodies composed by representatives of different

territorial levels. Functions can be delegated from municipal to district level, and vice versa.

The aim is to avoid that municipal councils could be afraid to lose control and transfer powers to the lower or to the higher level. Metropolitan governance is always characterized by a thick relationship between territorial levels of government, with a mutual integration in exercising functions.

- Is decentralization of function practiced? Under which conditions? Are financial resources transferred alongside administrative functions?

- Is devolution of functions mandatory or facultative?

- Are there political or technical bodies to take decisions in order to functions and policies of common interest?

3. Capability of exercising functions

Metropolitan authorities can act either as political entities or as authorities at the service of municipalities. They work to implement strategies and collaboration among municipalities, and build public services at the infra-regional level. They can be new institutional structures for both governing fragmented urban areas and finding the right scale of government at the "meso" level.

The aim is also to fill the gap of low competences and lack skills of the staff at local level to manage affairs of local community.

- Can metropolitan authorities operate as "facilitator" in exercising municipal functions, without taking municipality's place?

- Can metropolitan authorities offer their service as professional trainers for local administrators?

- How strategic and direct administration can be distributed between metropolitan and municipal levels?

4. Emerging of metropolitan interests

Metropolitan areas usually suffer from a gap of democracy: due to institutional fragmentation inside metropolitan areas, political decisions are taken by actors not representative of the entire area but only of a part of it; contrarily, policy can be implemented by political actors too distant and not representative of the community more directly interested by decisions.

One of the principal challenges of metropolitan government is to strengthen democracy inside metropolitan area and participation of people by functional relationships with metropolitan institutions.

The aim is to take political decisions which are based not on interests of political groups or other levels of government, but to satisfy interests of metropolitan communities.

- Is democracy inside metropolitan areas adequately guaranteed only by free elections, or is it necessary to experiment different practices of participation?

- What kind of stakeholders is it necessary to involve to take political decisions?

- How is it possible to strengthen the sense of belonging to metropolitan territory?

TEXTS ADOPTED BY THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE

GOOD GOVERNANCE IN METROPOLITAN AREAS[21]

RESOLUTION 407 (2016)[22]

1. Metropolitan areas are becoming an increasingly important feature of Europe's urban landscape and an increasingly dominant force in terms of political, economic and cultural activities, engines of development and economic success.

2. The governance of these areas is also undergoing rapid change, with an increasing role being played by non-governmental and non-elected actors. Complex partnerships are emerging, involving actors from several tiers of government as well as the business sector. These changes are bringing new challenges to traditional forms of representative democracy.

3. While some metropolitan areas are seeing dynamic new forms of participation and political accountability develop, others are suffering an increasing democratic deficit, with a shift of power and decision making away from the politicians and a growing roll back of decentralised democracy.

4. ICTs and new media are providing new opportunities to the elected representatives of these areas and enabling new forms of transparency and accountability.

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[21] CG31(2016)17final, adopted on 21 October 2016
[22] Debated and adopted by the Congress on 21 October 2016, 3rd sitting (see Document CG31(2016)17final, rapporteur: Antonio EROI, Italy (L, EPP/CCE))

5. The Congress therefore, considering:
   a. The Council of Europe Reference Framework for Regional Democracy (2002);
   b. Congress Recommendation 188 (2006) on good governance in European metropolitan areas;
   c. The European Urban Charter (1992);
   d. The Congress European Urban Charter II: manifesto for a new urbanity (2008);
   e. Parliamentary Assembly Resolution 1964 (2013) on the good governance of large metropolises;

6. Observing that the rapid development of metropolitan areas in Europe is resulting in an increasing divergence of models of governance, with variations within and between countries ;

7. Concerned that the political development and governance of metropolitan areas is not always proceeding in optimal conditions, with appropriate political structures and dialogue with relevant stakeholders;

8. Affirming that the development of metropolitan areas should take the form of an organic evolution decided and agreed by local partners and not imposed by central governments;

9. Convinced that the creation of metropolitan governance structures should not be used as a pretext to recentralise competences and powers;

10. Believing that all new governance structures should be democratically accountable and not involve any erosion of local democracy;

11. Reaffirming that a clear division of competences is a prerequisite for effective governance;

12. Commits itself to:
    a. supporting and encouraging the establishment of appropriate multilevel political structures in order to enable metropolitan areas to be governed effectively with maximum political accountability, while respecting the principle of subsidiarity;
    b. encouraging local stakeholders in metropolitan areas to work together, with a genuine commitment to co-operation based on the recognition of common interests;
    c. continuing to work to improve the quality of governance of metropolitan areas;

13. Calls on local authorities in metropolitan areas to work together to ensure a clear division of labour, tasks and responsibilities between:
    a. the metropolitan area and its components;
    b. the mayor and councillors of the metropolitan area and the mayors and councillors of the component municipalities;

14. Calls on local authorities in metropolitan areas to work together with local authorities in metropolitan hinterlands to ensure their cohesive development in terms of the provision of public services;

15. Invites associations of local and regional authorities to:
    a. support metropolitan areas in their development of innovative and appropriate forms of governance that respect the principle of subsidiarity;
    b. foster the use of local and regional media to promote transparency, accountability and a sense of collective identity in metropolitan areas;

16. Invites metropolitan authorities to:

a. establish partnerships with chambers of commerce, professional organisations, private economic actors and civil society organisations, in order to ensure harmonious development of the metropolitan area;

b. develop metropolitan-wide planning, involving all relevant stakeholders and levels of government;

c. provide a clear division of tasks, responsibilities and power in decision making between and within different institutions, with responsibilities being attributed according to the principle of subsidiarity;

d. guarantee democratic accountability and legitimacy through direct elections of the metropolitan bodies or by appointment of the elected representatives from the component local governments;

e. increase the transparency of the decision-making processes through online access to public information and communication strategies using a variety of media formats to inform the public ;

f. work together to develop new forms of accountability and citizen participation.

RECOMMENDATION 392 (2016)[23]

1. The growth of metropolitan areas has been a striking feature of urbanisation in recent decades. Across Europe, these areas are increasingly becoming the centre of political, economic and cultural activity, acting as engines of development and economic success.

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[23] Debated and adopted by the Congress on 21 October 2016, 3rd sitting (see Document CG31(2016)17final, rapporteur: Antonio EROI, Italy (L, EPP/CCE))

2. This growth is typically accompanied by rapid development of the rural hinterlands of metropolitan areas, as people move out of the city in search of more affordable housing and better quality of life.

3. As metropolitan areas become indispensable economic actors, characterised by their dynamic and cosmopolitan nature, they are raising important issues with regard to the territorial dimension of democracy and their ability to ensure that they remain responsive to the needs of their citizens.

4. The complex and multi-layered nature of the governance of metropolitan areas is a growing challenge to representative democracy and requires new model forms of territorial leadership.

5. The Congress therefore, considering:
   a. The Council of Europe Reference Framework for Regional Democracy (2002);
   b. Congress Recommendation 188 (2006) on good governance in European metropolitan areas;
   c. The European Urban Charter (1992);
   d. The Congress European Urban Charter II: manifesto for a new urbanity (2008);
   e. Parliamentary Assembly Resolution 1964 (2013) on the good governance of large metropolises;

6. Observing that metropolitan governance in Europe is developing on an extremely diverse basis, with variations both within and between countries;

7. Concerned that the political development and governance of metropolitan areas is not always proceeding in optimal

conditions, with appropriate political structures and dialogue with relevant stakeholders;

8. Concerned that the creation of metropolitan governance structures is sometimes used as a tool to recentralise competences and powers;

9. Concerned that the development of metropolitan areas may result in a reduction in the transparency of government decision-making processes;

10. Convinced that the boundaries and political structures of metropolitan areas must be developed in the framework of consultations and political dialogue with all local stakeholders;

11. Reaffirming that all governance structures are should be democratically accountable and that the creation of any new structures should not result in a reduction in local democracy;

12. Asks the Committee of Ministers:
    a. to consider drafting guidelines for the creation and the management of governance structures of metropolitan areas, in view of the need to ensure proper accountability, transparency, consultation, political dialogue and citizen participation;
    b. to invite member States to consider drafting guidelines for the cohesive development of their metropolitan hinterlands;
    c. to encourage member States to facilitate the development of appropriate multilevel governance structures for metropolitan areas, with clearly defined competences for the different actors concerned.

EXPLANATORY MEMORANDUM[24]

A. Europe's changing urban landscape

1. For almost 1000 years cities have been at the heart of European civilisation. They have developed as a distinctive urban model. Compact places of commerce and trade; crafts and skills; later, home to new industry and science. And always the meeting place for argument and debate; on occasion for rebellion and revolution.

2. The last half of the 20th century saw dramatic changes to cities across Europe. Undoubtedly, for a period after the Second World War cities lost their glamour and appeal. In many cases their populations fell. With the end of the era of mass manufacturing in the last quarter of the 20th century many of Europe's large cities and urban areas experienced a period of sharp decline, high unemployment and social disruption. The big engineering factories, car and steel plants, shipyards and other heavy industrial processes which had both dominated the urban landscape and shaped their culture fell idle. The frequent media portrayal of cities and urban life more generally became overwhelmingly negative: a picture of dereliction and decay.

3. Today, the picture is shifting again. There is evidence of a turn-around in many, if not all, of Europe's cities. Alongside the decline, the last three decades have also been a period of revitalisation and renewal. In many urban areas old industrial premises have been either cleared or cleaned with new

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economic activities related to the service and knowledge economy taking their place. Financial and professional services have grown; IT companies mushroomed; and a wide range of creative industry companies in fields as varied as design, digital media, advertising and promotions become established. As cities have adjusted to the new economic conditions, so they have grown in confidence. On occasion, landmark public projects have acted as flagships for this urban transformation: the Olympics in Barcelona led the way; followed by the Guggenheim museum in Bilbao; the Oresund bridge linking Copenhagen and Malmo; while across both large and medium-sized French cities the belief in the value of the urban environment has been demonstrated by the sustained investment in modern tramways, frequently cutting across municipal boundaries.

4. This renewed confidence is reflected in both a changing intellectual climate and altered media perceptions. In contemporary Europe the attractiveness, dynamism and cosmopolitan nature of cities is often stressed. The difficulties and challenges facing all Europe's urban areas remain vast. But undoubtedly, major changes are afoot. In many places, the population drift away from cities has been halted – or even reversed.

5. Currently, overall, in the EU two out of five citizens live in a city with a centre of at least 50,000 inhabitants and one out of five lives in a commuting zone of these cities. Together about three out of five residents live in a city or a commuting zone (or Larger Urban Zone). This share varies substantially between countries. Following this definition, Slovakia and Romania have the lowest shares of their population living in a city or its commuting zone (33 % and 38 %). Germany, the UK and the

Netherlands have the highest shares of population living in a city or commuting zone (73-74 %).[25]

B. The emerging conurbations: Europe's metropolitan regions

6. Within this general picture one distinctive trend has been the rising significance of the urban conglomeration, commonly known as the city region or metropolitan region. This has been increasingly acknowledged by senior politicians. As UK Chancellor George Osborne recently expressed it,
"In a modern, knowledge-based economy city size matters like never before. In the nineteenth and twentieth centuries, a factory would be located where you could find raw materials, power, and cheap labour. Today, in a services based economy, what investors are looking for is not a river to dam, but access to a deep pool of human capital. There is a powerful correlation between the size of a city and the productivity of its inhabitants. The top 600 cities in the world contain just 20% of global population but create 60% of global GDP. Not so long ago, people thought that the internet might make physical location less important. But it seems in the modern knowledge economy businesses and entrepreneurial types want to flock together more than ever. To form clusters where they can learn from and spark off each other."[26]

7. This topic is generating its own extensive academic literature and debate. This paper follows broadly the approach of the

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[25] See Lewis Dijkstra and Hugo Poelman. Cities in Europe: the new OECD Definition. Page 6.
[26] Speech by UK Chancellor George Osborne 23 June 2014
https://www.gov.uk/government/speeches/chancellor-we-need-a- northern-powerhouse

Organisation for Economic Cooperation and Development (OECD) and defines metropolitan areas as functional urban areas with at least 500,000 inhabitants.[27] The functional urban area is defined by two key characteristics: it is an urban agglomeration with a continuously built-up urban core and surrounding areas; and its limits are determined by the share of the inhabitants that commute from the surrounding areas into the urban core. This density of the travel to work area is the crucial characteristic of a metropolitan area and thereby confirms that economic activity is the key determinant of a metropolitan region. It is the glue which binds a conurbation together. The precise relationship between the core city and its surrounding urban areas is of crucial importance. The total population in continuous urban areas in Europe is on average 70% higher than the population within the administrative boundaries of the city itself. For the functional urban areas based on travel-to-work relationships the proportion is even larger, with an average of 2.3 times the population of the core city.

8. Across Europe, on the OECD definition, 24 of the 28 EU Member States have at least one metropolitan area, with only Cyprus, Malta, Luxembourg and Slovenia failing to meet the criteria. In addition, three European countries outside the EU, namely Norway, Switzerland and Turkey have metropolitan areas. The most significant concentrations of metropolitan areas are found in Germany (24), the UK (16), Italy (13), France 12, Spain and Poland (11) and Turkey (10). While every capital city in these twenty four Member States qualifies as a metropolitan area, 'the

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[27] See R. Ahrend, C. Gamper and A. Schumann (2014), The OECD Metropolitan Governance Survey: A Quantitative Description of Governance Structures in large Urban Agglomerations. Page 6.

metro' is a phenomenon that extends far beyond capitals. While statistical variations and national differences make precision difficult, on a cautious estimate there are more than one hundred and thirty conurbations that meet these defining criteria across Europe. In total more than 200 million people live in these metropolitan areas accounting for more than one third of the overall population.

9. This appears to be a growing trend. The on-going shift in population away from the land and rural occupations is well known. The changing nature of work with more office and tertiary occupations appeared initially to disperse people away from the classic industrial towns. Increasingly, it seems that the new models of economic growth look for clusters of activity and interactive networks, which combined with longer distance commuting is helping to reconfigure economic activity towards larger conglomerations. Also, these economic activities rely on the support of often low income service jobs in catering, security, care and transport often filled by migrants and newcomers who are an increasing feature of most, larger European conurbations. While a number of the classic, middle-sized former manufacturing cities continue to stagnate, these trends are leading to a rise in the overall population levels in urban areas, broadly defined. This phenomenon appears likely to continue and will inevitably influence the structures of local government and the weight of cities and metropolitan regions within them.

C.   The governance of metropolitan areas

10. Local and regional governments have deep roots across Europe. Their evolution has been closely entwined with the movements for democratic reform, the right to vote and popular sovereignty. In a number of countries, the rights of local

authorities are enshrined in constitutional provisions granted following the revolutions that swept Europe in 1848. During the 20th century the roles and tasks of local and regional authorities grew significantly in many parts of Europe, associated with the expansion of the welfare state and the provision of additional public services. In a tumultuous era, many countries experienced periods of authoritarian, centralised rule. However, when these periods came to an end, one element of the development of democracy has always been the creation of local democratic structures. This was the case with the German Constitution in 1949; in Spain and Portugal after the collapse of the fascist dictatorships; and throughout Eastern Europe after the fall of their Stalinist regimes in 1989. Thus, at the start of the 21st century local government is well-established all over Europe and in the majority of countries there is also an elected regional element of government. In federal states such as Germany, Austria, Switzerland and Belgium this regional sphere has greater constitutional and hence political weight than in other states which operate a more unitary model.

11. It is fair to say that local and regional governments have always been evolving. Throughout this history there has been one common element: their shifting relations with central government. That tussle is a common thread. Traditionally, this is a dispute over how the 'higher' power seeks to structure its relations and impose its wishes on its subordinate, 'lower' body. (In federal states, this 'higher' role has often been assumed by the regional government.) For local government it is a matter of asserting its capacity and in many countries its constitutional rights to autonomous self-administration. The question of metropolitan regions and their governance must be set in this context.

1. The key tasks for metropolitan governance

12. So what needs to be done at the metropolitan level? A set of far-reaching economic and social changes have emerged over the past few decades, issues such as the ICT revolution and the changing nature of production and work; the impact of globalisation; the challenges of climate change; and changing transport and commuting patterns. The realities of an increasingly global economy bear down heavily on these major urban areas. They feel a growing need to lift their international profile and organise effectively in order to attract overseas investment in their financial, professional and higher skilled technological and innovation sectors. These topics influence all cities, but rarely are they confined within the official administrative boundaries of the core city. Usually, their impact spreads far beyond to the neighbouring urban and peri-urban areas. It has been in order to manage these developments that new types of supra-urban government organisation have begun to emerge in all developed countries so that political boundaries are able to respond to changing economic and social geography. The OECD has charted these developments in twenty-one countries across four continents. An initial phase of development in the 1960s and 1970s was followed by a fallow period But during the 1990s and the first period of this century, there has been a re-emergence and consolidation of this trend towards various types of metropolitan governance.[28]

13. Economic development, transportation and spatial planning are the defining issues of metropolitan governance. These are the core themes that feature most commonly in the activities of

[28] See R. Ahrend and A. Schumann (2014), Approaches to Metropolitan Area Governance: A Country Overview.

metropolitan regions, especially given the need to compete on an increasingly pan-European and global scale.[29] In addition issues such as waste disposal, water provision and sewerage which have significant infrastructure costs feature in a number of portfolios, as do culture, leisure and tourism which is on occasion organised as a distinct category and elsewhere is treated as a component of the economic development portfolio.

2. Models of metropolitan governance

14. Metropolitan governance has emerged in an ad hoc fashion across Europe, often with variations occurring within as well as between countries as distinctive local conditions have shaped developments. Some metros remain without any governance structure. However, the shifting socio-economic landscape means that increasingly a variety of metropolitan governance structures are emerging. In essence we can discern three basic models.

Type 1, the strong model, where elected metropolitan authorities are entrusted with specific competences to address a range of issues such as transportation, economic development, water or housing, usually with their own executive organisations and significant budgets.

Type 2, the combined model, which creates joint metropolitan bodies (combined authorities) with formalised agreements entrusted with broader local and strategic functions and powers, run by representative drawn from

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[29] See R. Ahrend, C. Gamper and A. Schumann (2014) pp12-13.

various levels of government (indirectly elected or appointed) usually avoiding new government layers.

Type 3, the soft model, which offers cooperation and collaboration on a voluntary basis when common support is required.

15. The rapid growth of metropolitan areas is matched by the rapid growth of their hinterlands, the rural communities situated on the periphery of the urban areas, which are increasingly being populated by workers and professionals from the city looking for affordable accommodation more space for themselves and their families. Most of these people remain dependent on the city for their employment and continue to use its amenities. This requires coordinated planning between the public authorities concerned, which is not always in evidence.

16. Given that commuting lies at the heart of the emergence of metropolitan regions and is embodied within its core definition, transportation has a special status in metropolitan governance. It is the core activity that affects all these areas and which extends far beyond the core city boundary. That is why, many conurbations which do not have any overarching metropolitan governance structures, nevertheless do have a stand-alone, sectoral transport authority. This normally covers the metropolitan area – or extends beyond it –and assumes the partial or entire responsibility for all public transport services. Sometimes these bodies work alongside an established level of metropolitan governance; sometimes they are a sectoral authority which works alone, solely on transport issues. All metropolitan areas in Spain, for example, with the exception of Zaragoza have sectoral authorities for transport that extend beyond the central city of the metropolitan area. A defining characteristic of metropolitan governance in Germany is the

universal presence of regionally integrated public transport systems. Sectoral authorities for public transport exist in every urban agglomeration. They manage public transport provision across different modes of transport, provide strategic planning and coordinate pricing schemes for tickets that are valid across different modes of transport and different service providers. Typically, the sectoral authorities cover at least the full extent of the metropolitan area, but in some cases reach significantly beyond their borders. The following sections give an indication of the prevalence of these different models.

D. The strong model of metropolitan governance

1. France

17. Compared to many other countries, France has an institutionalized and relatively homogenous approach to metropolitan area governance and as such fits very much into the strongest type of metropolitan governance model. At its core is the 'communauté urbaine' a body dedicated to inter-municipal cooperation which is defined by national law. It can be created in metropolitan areas with more than 450,000 inhabitants. Currently, every metropolitan area in France except for the capital Paris is covered by one. A new law passed in 2014 has reduced the eligible population limit to 250,000.

18. The first communautés urbaines were created in the late 1960s in Lyon, Bordeaux, Strasbourg and Lille. Where communautés urbaines exist, they take over extensive responsibilities in areas such as transportation, spatial planning, regional development and water provision. Besides the tasks that are specified by law, municipalities within a communauté urbaine can agree to transfer further tasks to it. Communautés urbaines are headed by a president who is elected by an assembly of representatives.

The representatives used to be elected by the legislatives of member municipalities, but have been directly elected from 2014. Corresponding to the significant set of responsibilities of communautés urbaines, their annual budgets are large. They range from several hundred million Euros to several billion Euros. This is equivalent to between 1,000 and 2,000 Euros per capita. Staff numbers are between 1,000 to 7,000 employees.

19. Greater Lyon is a good example where fifty seven local authorities bring together 1.25 million people in an agglomeration able to give additional weight to its economic development activities, give international profile to the city region and attract investment in new hi-tech clusters. At the same time the city region has the scope and scale to tackle the new agenda of climate change in a way that its individual component parts could not. It has set out a Climate Plan for Greater Lyon with clear targets for CO2 reductions; brought together both economic and civic society partners; proposed a range of mobility and energy efficiency measures; and outlined an enterprise strategy that seeks to transform environmental restrictions into economic opportunities.[30]

20. Paris has been an exception to the predominant system of metropolitan area governance. It has no governance structures that are comparable to other French metropolitan areas. Paris métropole is a voluntary association of local governments that serves as a policy exchange forum for the inner parts of the metropolitan area. It has characteristics that are similar to many voluntary associations of local governments that serve primarily as policy exchange forums and a relatively small budget of

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[30]http://www.economie.grandlyon.com/fileadmin/user_upload/fichiers/site_eco/200912_gl_cleantech_plan_climat_plaquette_en.pdf

approximately two million Euros. This corresponds to the Type 3 soft model. However, at the end of 2013 a new law was passed that stipulates the creation of a body of intermunicipal cooperation for the greater Paris area in 2016. The same law also extends the territory that is covered by the communautés urbaines of Lyon and Marseille and grants them additional powers. Paris and most of the larger metropolitan areas in France are also covered by sectoral authorities for public transport.

2. Spain

21. The autonomous Community of Madrid (Comunidad de Madrid) is one of 17 autonomous communities in Spain and as such, it is part of the first level of sub-national government with far reaching responsibilities in the fields of housing, transport, infrastructure, spatial planning, health and social affairs. It was founded in 1982 and, as first level of sub-national government, holds general elections to determine its leadership. It has a budget in 2015 of more than 23 billion euros.

22. Barcelona's metropolitan area governance body was founded as an association of municipalities in the metropolitan area and fulfils a wide range of tasks. Among them are public transport, water supply and sewerage, waste disposal, housing and spatial planning. The association was founded in 1987 and has existed in its current form since 2011. It has a budget of several hundred million Euros.

3. United Kingdom (London)

23. The partial introduction of metropolitan regional authorities in England in 1974 with responsibilities for transport and planning was overturned by the Conservative government of Margaret

Thatcher in the mid- 1980s when a number of them became a site of opposition to the government's policies. In 1985/86 the Conservative Government abolished the Greater London Council, along with the upper tier of the local government in England's six other main metropolitan areas. In London most local government services remained in the hands of the now unitary borough councils, but it became increasingly clear that as the country's capital and pre-eminent city with a growing population and strong cultural identity it needed an overarching political structure if it was to fulfil its economic potential.

24. It was widely seen that the abolition of the Greater London Council had been an act of narrow political vengeance which damaged the city's economic prospects. Thus the Labour government elected in 1997 passed the London Government Act 1999[31] which established a Greater London Authority (GLA), comprising a Mayor and 25-member Assembly, both directly elected, and with largely strategic responsibilities. The GLA's main functions would be exercised through four boards, appointed by and responsible to the Mayor: Transport for London, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority, and the London Development Agency to oversee the economy and strategic planning. Meanwhile the 32 boroughs remained the primary unit of sub-national government responsible for everyday basic services such as education, housing, social care, local roads, libraries and museums, refuse collection and environmental health. The two-tier arrangement with the boroughs offered a balance between local and metropolitan interests. It quickly became a well-established pattern.

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[31] http://www.legislation.gov.uk/ukpga/1999/29/part/I/crossheading/the-authority

4. Turkey

25. The trend towards strong metropolitan governance has also emerged in Turkey. The first law for the development of greater city municipalities was enacted in 1984 and applied to Istanbul, Ankara and Izmir. Within this model each metropolitan authority became responsible for the entire administration of the geographical area including the district municipalities within its boundaries, a significant difference from their role elsewhere as illustrated by the London example above.

26. By 2000 there were 16 greater city municipalities and which after the passage in 2012 of a more recent law (6360) has now increased to 30. There has been significant unease about the political effects of these changes which have been imposed top-down by central government with an arbitrary geography and a sharp diminution of power for the municipalities forcibly incorporated into the new structures.[32] Currently, the population of Istanbul Metropolitan Area exceeds 14 million, accounting 20 per cent of country's total population. In Ankara and Izmir, the population exceeds 5 million and 4 million, respectively. Nearly half of the country's population is living in metropolitan municipalities.

5. Germany

27. Germany generally pursues a soft model of cooperation, (see para 6.1) but because of its federal structure there are significant variations. Thus the metropolitan region of Hamburg

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[32] See for example the case of Greater Izmir in Candan Oguz & Ipek Ozbek Sonmez (2014) Towards the New Regionalism Approach in the Metropolitan Governance of Turkey, European Planning Studies, 22:2, 383-399, http://dx.doi.org/10.1080/09654313.2012.752441

has over 5 million inhabitants spanning four federal states and nineteen districts. The region works together on trade, business development and leisure, as well as sustainable energy, innovation and strategic transportation. The activity is organised through a formal regional council and helps to deliver both a national and international profile for this North German economic powerhouse.

28. Another example of the strong model is found around Stuttgart. In the Stuttgart region, 179 municipalities with an overall population of 2.7 million work together in the Regional Verband on regional planning, transport, landscape projects, and promoting the economy. A top-down organisation with its own parliament is responsible for commissioning the work following specific legislation from the state (Land) of Baden-Württemberg in 1994. This is effectively a metropolitan government, with an elected assembly and a large budget to finance its own administration and measures that are agreed at that level.

29. The Verband takes a very strong interest in economic development. It considers that to safeguard jobs and prosperity within the region it needs to focus on business promotion, support existing industries and create new employment clusters. Thus, it has looked to develop new transport services and products as a way of shifting the car-oriented economy into a mobility region; it has promoted centres of excellence between industry, scientific institutes and public authorities;

supported its biotechnology and media clusters; and helped to lift the overall marketing and publicity profile of the region.[33]

E. Combined authorities

30. Developments within the UK around Manchester give an example of evolving trends. After the abolition of the metropolitan county council by the conservative government in 1986, Manchester and Salford city councils and their eight neighbouring metropolitan boroughs carried on working together on regional issues on a voluntary basis through the Association of Greater Manchester Authorities, while they retained a statutory role in transport. This corresponds to the weakest form of cooperation, the soft model. But what is currently happening signifies a shift to a stronger level of cooperation, a combined authority with formalised powers. The AGMA partnership strengthened as they developed an economic and ICT strategy for the metropolitan area. In 2011 the Greater Manchester Combined Authority was established through statute, as an umbrella grouping which pooled each authority's housing, regeneration and planning resources and assumed responsibilities for economic development, regeneration and transport.

31. Wider forces are shaping developments, notably the significant extension of devolved powers to Scotland and the desire of national government to show that it wants to encourage economic development outside of London. Thus currently the Combined Authority is in negotiations with the national government over re-regulating public transport, which

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[33] The European Metropolitan Region of Stuttgart. Dr. Bernd Steinacher.
http://www.enerkey.info/old/download/EEWS-Stuttgart- Steinacher.pdf

currently in the UK is deregulated outside of London; devolving the skills budget; and gaining some control over tax proceeds to pay for infrastructure investment. In a surprise move in February 2015, the national government offered to devolve health and social care portfolio to Greater Manchester with a budget of £6 billion, which would certainly shift the combined authority towards a strong metropolitan model.

32. In terms of governance, central government has demanded that the Combined Authority has a directly elected Mayor. The GMCA currently rotates its leadership roles between the ten leaders of the authorities. Each local authority jealously guards tis autonomy and distinctive local roots. They have now come up with their own local solution to this national ultimatum whereby they would add an 11th directly elected member – the Mayor - who shall "lead politically full-time"[34] but who would be accountable to the other ten leaders within the Authority.

33. There are metropolitan area governance bodies in two Portuguese conurbations, the Area Metropolitana de Lisboa and Area Metropolitana de Porto. The bodies have been established in 1991 through a national law and are organised as associations of local governments. They have an assembly of 55 members who are mostly elected. Both bodies have a wide range of responsibilities including transport, spatial planning, regional development, waste disposal, water provision and sanitation. However, both organisations have a relatively small budget of 2.4 million Euros and 4 million Euros, respectively, and low double digit numbers of employees. Besides having

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[34] See Independent on Sunday 19 October 2014. Interview with the leader of Manchester City Council, Sir Richard Leese.

governance bodies, both metropolitan areas are covered by sectoral authorities for public transport.

34. Metropolitan areas are sometimes located on the borders of two neighbouring states and here the need for cross-border cooperation arises. This requires more complex negotiations to achieve a combined authority. The Eurometropolis of Lille – Kortrijk-Tournai is a prime example. This grouping brings together different levels of French and Belgian government covering 147 municipalities with a population of 2.1 million people. The Eurometropolis acts a hub of cross-border information, activities and services and helps companies, institutions and citizens to move easily and simply across the border, minimising the 'border effect' and multiplying the benefits for the aggregate urban population.

F.   The soft model of planning

35. In Gothenburg the Göteborgsregionens Kommunalförbund was founded in 2001 through a bottom up initiative of local authorities in the region that agreed to work together on a consensual basis. It works on a wide range of topics such as local labour markets, environmental issues, social services   and regional economic development. For a purely voluntary association of local authorities, it has a relatively large staff of 160 people and a yearly budget around 32 million Euros. It receives its funding primarily from fees it charges for its services. This is a more substantial body than the other two metropolitan areas in Sweden of Stockholm and Malmo where the majority of metropolitan functions are assumed by the county Council, which overlaps significantly with the metropolitan area, whereas in Gothenburg the Vastra Gotaland council covers a much larger geographical area.

36. The strong federal system operating in Germany means that there is considerable variety in the governance of metropolitan areas. Most common is the grouping of the core city and surrounding municipalities into associations of local government. These are relatively weak bodies, some purely voluntary groupings which act as a policy exchange forum. Others are a bit stronger with a remit on planning issues and development. The number employed and the budgets utilised are relatively low. This model is viable because the universal presence of stand-alone regional transport authorities ensures that the crucial task of co-ordinating public transport is addressed elsewhere within the political system.

37. There are emerging examples of this trend within the newer EU Member States. In Bulgaria, the mayors of the 11 municipalities, including the capital Sofia, agreed to establish The Regional Association of Municipalities Centre (RAMC) in 2010 with an overall population of 1.6 million inhabitants. RAMC covers the territory of the functional urban area of Sofia. The aim of this non-statutory body is to work together on planning and technical infrastructure projects, in particular transport and to set up a common strategy for polycentric development on the territory of the associated municipalities.

38. A similar bottom-up development has occurred around Katowice in Poland, where a voluntary association of 14 municipalities with nearly two million inhabitants have formed the Metropolitan Association of Upper Silesia, which manages joint functions such as the common public transportation system and addresses cultural issues. The wider goal of the association is to create a dynamic 'Silesia' metropolis, which can effectively compete with other metropolitan areas in Poland and abroad. It has recently developed a Strategy of

Development of Upper Silesian Metropolis, with a perspective until 2025.

39. The model in Austria is one of relatively low-key co-operation. Of the three metropolitan areas in Austria, associations of local authorities exist in two of them. The Stadt-Umland-Management in Vienna is a policy exchange forum that focuses primarily on planning issues. It is functionally divided in two groups. One group focuses on the more urban southern part of the metropolitan area, whereas the other group focuses on the more rural northern part of the metropolitan area. In contrast to most metropolitan regions, municipalities are not represented by elected councillors but by high ranking public officials working in their planning departments. There is an association of local authorities in the metropolitan area around Graz. It is a small organisation with six employees. Compared to many other associations of local governments, it focuses less on spatial planning and related issues. Linz, the third metropolitan area in Austria does not have a governance body. In all three cities transport authorities exist that reach beyond the limits of the metropolitan areas.

G.   Democracy and metropolitan governance

40. Metropolitan governance is particularly complicated when it comes to decentralised representative democracy and political accountability. Metropolitan governance tends to encompass far more areas of decision-making than those for which the local and regional governments in a given area are usually competent. It often involves overlapping and complex relationships, including new actors beyond the city borders and outside the traditional city political arena. Decision-making in metropolitan areas is increasingly simultaneously involving more than one tier of government, with a corresponding shift

from community-based governance to problem-oriented multilevel governance.[35] The increasingly interdependent world of metropolitan areas is an enormous challenge to traditional democratic practice. The complex relationships between citizens, politicians, stakeholders and territory can present a threat to the capacity of traditional institutions of representative democracy with regard to legitimacy, accountability and transparency.[36]

41. Metropolitan bodies have to take decisions about public local goods and services, which have an impact on the citizens living in the urban area. Citizens should have the opportunity to influence these actions and decisions. However, the decision-making processes in these metropolitan areas are often made by others than those regarded as the legitimate elected decision-makers. More and more decisions are being taken beyond the control of elected representative bodies, raising the risk of the decision-making process in metropolitan areas being depoliticized and evading public scrutiny. The governance of metropolitan areas is therefore often characterized by a diminishing democratic legitimacy and accountability. The increasing resort to non-elected decision-makers is often due to the complex nature of decision-making processes, in which it can be difficult to identify who is responsible for providing the public services. There may be little or no involvement of civil society, with the result that citizens no longer identify with the decisions and actions of metropolitan bodies and feel powerless to hold metropolitan authorities to account for their actions.

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[35] Hasler, K.A. (2014), "Accountability in the Metropolis", Nomos
[36] Buser, M. (2012), "Democratic Accountability and Metropolitan Governance: the Case of South Hampshire, UK", Urban Studies Journal, vol. 51, no. 11, pp. 2336-2353

42. Democratic accountability requires a clear division of the tasks, responsibilities and powers in decision-making between and within different institutions. This clarification of responsibilities is more complicated but just as essential when it comes to metropolitan areas.[37] The responsibilities of metropolitan areas should be assigned according to the principle of subsidiarity, tasks should be the responsibility of the sphere of government which is most appropriate to do them and closest to the citizens.

43. Local democracy is often considered as an institutional arrangement to enhance the involvement and participation of citizens. Citizen's participation in metropolitan areas is an important facet to improve the democratic accountability and legitimacy of decision-making. However, metropolitan governance affects the ability of citizens to participate and engage in the decision-making. The possibilities to provide access for citizens – whether through public hearings, elections or direct contract with public officials is easier when the local government is smaller. The larger the local government jurisdiction, the more likely it is that interest groups will dominate the citizens participation.[38] Therefore, the way to engage citizens in metropolitan decision-making has to be reconsidered.

Key principles

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[37] Good governance in European metropolitan areas (2006): https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CG(13)6&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=C3C3C3&BackColorIntranet=CACC9A&BackColorLogged=EFEA9C&direct=true
[38] Comparative Urban Governance: Future of cities: working paper (2014). https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360420/14-810-urban-governance.pdf

44. The resolution of these challenges is central to the future of the metropolitan governance. The Council of Europe's Parliamentary Assembly has called on Member States to ''create a legislative and institutional framework for local democratic structures and processes in a way that allows for effective local self-government of large metropolises''.[39] How to ensure that the lines of accountability within the metropolitan regions are clear and that decision-making processes are easily understandable?

45. Firstly, central governments should encourage but not impose. They can set both the economic criteria and framework for accountability for a city region but should not determine either its geographical shape or its political structures. This avoids the dual dangers: firstly, of using metropolitan governance as an instrument for re-centralisation and a reassertion of national government control; secondly, it reduce the danger of local resentments emerging at the imposition of new political structures from the centre.

46. Secondly, this needs to be an organic development decided and agreed by the local stakeholders. They need to work together and recognise for themselves the benefits of collaboration across municipal boundaries. Given the real strength of historic urban identities in many parts of Europe and the frequent pride which these sentiments arouse, the establishment of new political structures is a delicate task. As Eurocities expresses it "…trust and mutual respect between participating bodies (requires) strong political will to cooperate,

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[39] Parliamentary Assembly: Resolution 1964 on Good governance of large metropolises, 2013 http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=20253&lang=EN

based on the recognition of common interests…Partnerships take time…work on long term trust-based relationships between authorities within the functional urban area."[40]

47. Thirdly, metropolitan authorities must ensure that the decision-making does not become depoliticised and as a result evade citizen scrutiny.[41] A directly elected mayor or public elections for a metropolitan government help to increase the democratic accountability of metropolitan decision-makers. However, the establishment of metropolitan governments or authorities is often opposed by the existing municipalities and their elected councillors, out of fear losing powers and having actions and policies imposed by those metropolitan bodies.

48. Either way, local politicians can play a strong role in delimiting metropolitan accountability. In order to ensure democratic accountability and legitimacy in metropolitan areas, the metropolitan governance bodies must be made up of elected officials, elected representatives from the local governments concerned or at the very least they must clearly specify how constituted elected bodies can participate in the decision-making processes. By specifying the role of elective representatives or by organising direct or indirect elections, metropolitan bodies can ensure that they are more accountable to their citizens.

49. The media also have a role to play in holding metropolitan actors accountable to the public and identifying who is

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[40] Eurocities: Metropolitan Areas in Action: Concluding Report. (2013.) pp24-25. http://nws.eurocities.eu/MediaShell/media/MAIA%20concluding%20report%20FINAL.pdf
[41] Buser, M. (2012), "Democratic Accountability and Metropolitan Governance: the Case of South Hampshire, UK", Urban Studies Journal, vol. 51, no. 11, pp. 2336-2353

responsible for making the decisions, whether they are elected or not. Elected actors tend to be held accountable by the media more than non-elected private actors, partly because of public expectations that elected public officials should be prepared to answer questions from the media. The media thus can be a useful platform to enhance democratic accountability where the metropolitan officials are, directly or indirectly, elected.

50. Another way to assure more clear accountability and comprehensive decision making processes is by transparency. The metropolitan bodies should work in an open and accessible way and they should explain how decisions are made. Transparency in the decision-making processes gives the citizens the possibility to control their metropolitan governments and hold them, if necessary, account for their actions and decisions. It is important to have access to valid and comprehensible information about what the metropolitan region is doing and how well it is doing.

51. Transparency in metropolitan areas can be offered by publishing government information online and by the use of 'open data'. Metropolitan bodies can give citizens online access to government information and 'open data', which offers a new potential for citizen participation. Open data can allow citizens to have a voice in the decision and policy making, and most important makes it possible to hold the metropolitan bodies account.

52. While public authorities are almost always at the heart of the development of metropolitan regions, in many instances a broader partnership has been created involving chambers of commerce, business associations, private companies and NGOs. These are often engaged in relevant metropolitan tasks such as strategic business development, public transport and other

services such as tourism. These economic actors are often the strongest advocates of cooperation at the metropolitan level, as they can directly see the transport and economic benefits. They can help to overcome the doubts and scepticism which initially are often expressed in the wider population. However, it is important that the voice of powerful economic stakeholders does not act as a substitute for wider civic engagement. The involvement of a broader range of community and voluntary organisations in the overall metropolitan partnership remains a challenge for most metropolitan regions.

53. It seems likely that the underlying socio-economic trends will continue to give greater weight to Europe's conurbations and hence the establishment and strengthening of metropolitan regions will be a growing trend. There is no common metropolitan governance model, either across Europe or even within individual countries. One size does not fit all. However, the principles of subsidiarity and political accountability remain as important as ever, and need to be kept in mind and put into practice if we are not to see a rolling back of local democracy under the guise of the need of stronger, more effective forms of decision-making. In this area, metropolitan areas can and in many cases are acting as a crucible for experimentation and innovation with new forms of citizen participation, involving new and increasingly loose forms of governance. The media, including the social media, are playing an increasing role in holding these new forms of governance accountable for their actions.[42]

H. Facilitating European co-operation

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[42]Hasler (2014), op. cit.

54. The emergence of metropolitan regions as a widespread European phenomenon raises the issue of how the European Union and the Council of Europe should respond to it. The issue of territorial cohesion gained greater prominence with the Lisbon Treaty (2007), where it was introduced as a basic goal for the EU alongside social and economic cohesion. Clearly the metros are one aspect of this. In response to this new objective, EU cohesion policy is increasingly recognising the importance of integrated working through functional urban geographies which cut across existing administrative boundaries. Certain elements of the new European Structural and Investment Funds aim to avoid the negative impact of previous instruments that prevented cooperation across administrative boundaries and different types of territories. New instruments such as Integrated Territorial Investments (ITIs) seek to promote wider partnerships and have the potential to speed up metropolitan area collaboration. This should be seen in the wider context of delivering the Europe 2020 objectives. Metropolitan areas provide economies of scale to help deliver smart, sustainable and inclusive growth for the EU.

55. How should the Council of Europe contribute to greater collaboration at the European level? Metrex, the European Network of Metropolitan Regions and Areas has been operational for almost two decades and has been the main advocate of metropolitan regions within Europe. It is the body which the Council of Europe has traditionally linked with on these issues. More recently the main large city European association, Eurocities has been taking a growing interest in this topic, while the OECD has increasingly recognised the significance of metros for both its economic and environmental agendas. The Council should foster closer relations with both bodies in the future.

I. Conclusions and recommendations

56. Metropolitan areas are an emerging trend reflecting long-term societal shifts. Therefore promoting appropriate political structures that reflect and give political control over this development should be encouraged. This is a necessary and emerging sphere of governance.

57. Transport, strategic planning and economic development are the core functions that a metropolitan area has to fulfil. However, different urban conglomerations pull together other tasks under the metropolitan umbrella, such as sewage, waste, policing, leisure, tourism and culture.

58. To fulfil these responsibilities metropolitan areas need adequate resources from national government budgets. Over time as the sphere of metropolitan governance becomes established, the demand for these areas to be able to raise their own revenues will grow.

59. Central governments should encourage but not impose. They can set both the economic criteria and framework for accountability for a city region but should neither determine its geographical shape nor its political structures. This needs to be an organic development decided and agreed by the local partners.

60. The promotion of equitable and amicable relations between all the public authorities within the metropolitan region is crucial. The division of labour/tasks between them needs to be clear even if inevitably there will be some overlaps given the interdependencies of modern urban life.

61. This trend is occurring across Europe. EU policy and funding instruments can encourage and stimulate it. Metropolitan regions should maximise the use of new policy instruments such as the Integrated Territorial Investments in order to promote further collaboration.

62. A number of organisations are engaged in activity promoting the role of metropolitan regions. The Council of Europe should develop its work in this area working in cooperation with these bodies, such as, Metrex, Eurocities and the OECD.

EUROPEAN URBAN CHARTER II - MANIFESTO FOR A NEW URBANITY[43]

Preamble

In 1992 the Congress of Local and Regional Authorities of the Council of Europe (the Congress) adopted the first European Urban Charter. This was a ground-breaking step for Europe. Since then, fifteen years have elapsed and our societies, cultures and economies have changed considerably.

The great European divide between the east and west of the continent, which had such an enduring impact on the post-war period, has now closed up again. Many countries have moved forward in the pursuit of ambitious co-operation within the European Union or the Council of Europe.

In this crucial period, it was the towns and cities of Europe that were the most exposed to globalisation. First and foremost, they rapidly became the focus of Europe's efforts to adjust to the new technological, ecological, economic and social conditions that this entailed. Willingly or not, they entered the global age and had to cope with its main challenges.

They became aware of the new role they were required to play and saw themselves as "collective players", as centres of initiative and creativity. They became the setting in which new lifestyles and social networks emerged, along with a new social flexibility, often characterised by family instability, unstable employment and residential mobility.

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[43] Adopted by the Congress on the occasion of its 15th Plenary Session, in Strasbourg on 29 May 2008. Rapporteur: Carlos Alberto Pinto (Portugal) - Co-Rapporteurs: Willy Borsus (Belgium) and Myriam Constantin (France)

At the same time, they were faced with far-reaching social and economic changes: the erosion of the working class, the de industrialisation of entire regions, increasing social inequality, crises in working-class neighbourhoods, growing immigration, ageing of the population, urban sprawl and widespread car use. They also had to tackle the challenges arising from the threats to our environment.

In this period of rapid change, a number of key texts on urban issues were adopted. Some were drafted by the Congress of Local and Regional Authorities of the Council of Europe. Others were the work of the Committee of Ministers of the Council of Europe, the European Union, the United Nations, civil society and associations of local and regional authorities.

These reference texts have reflected an increasing acknowledgement of the major changes of the last fifteen years. Taken together, they follow in a direct line from the Congress's Urban Charter and have mostly been approved by European governments. A glance at them reveals an acute awareness of the scale of the changes taking place and a collective resolve to address them. Stemming from very different organisations and written in different styles, these texts reaffirm urban rights, emphasising the indispensable role of the urban citizen at the heart of urban policies.

However, given the diversity of these international reference texts on urban development, the Congress felt that it was necessary to reframe some of the principles of the European Urban Charter. While the original European Urban Charter retains its status as a benchmark, we felt that it was necessary to develop and update it. That is the purpose of this Manifesto, which reflects a new form of urbanity that has emerged at the dawn of the new century.

The European urban acquis and the prospect of a new urbanity

In adopting this European Urban Charter II, after the first one in 1992, the Congress of Local and Regional Authorities of the Council of Europe aims to establish a body of common principles and concepts enabling towns and cities to meet the current challenges of urban societies and to outline, for the main players in urban development and Europe's urban citizens, the prospect of a new form of urban living, in other words a new way of living together and a new approach to city life.

In keeping with this spirit, we, European local elected representatives and Congress members, reaffirm the importance of the European urban acquis. We believe that this acquis, stemming both from the experiences of urban governments and from the ideas, reports and statements of the main players in urban development, constitutes a bedrock of principles on which our manifesto can be based. In particular, we consider the following principles to have been established:

European towns and cities belong to their citizens; they are an economic, social and cultural asset which must be passed on to future generations.

Given the scale of the global challenges facing us, European towns and cities are the ideal setting for a historic compromise between the economy, society and the environment.

European towns and cities are responsible for building a model of urban government which takes account of the new demands of democracy, particularly where participation is concerned. They are an asset in the much needed democratic revitalisation of our societies.

European towns and cities are conducive to creative diversity and represent powerful forces for innovation. They are perfect places for personal development and access to learning and knowledge. They have the potential to integrate and mutually enrich the multiple identities and cultures which exist within them.

European towns and cities are now driving forces for prosperity and key players in the globalisation process. They are the ideal setting for the knowledge-based economy which is the future of economic growth in Europe.

We, European local elected representatives and Congress members, believe that these principles and the analysis underpinning them form the basis for future change and for the policies which we will be required to implement.

The towns and cities that we want to place at the heart of our priorities are made first and foremost for the people who live there, who must also be citizens.

The towns and cities which we want are also sustainable towns and cities, respecting the local and global environment.

They are cohesive towns and cities, committed to fostering the greatest possible solidarity within and between themselves.

Lastly, they are towns and cities of knowledge and culture which need their past and present, built from diversity, in order to project themselves into the future.

Town and city dwellers as urban citizens

We, European local elected representatives, share the belief that the inhabitants of our towns and cities cannot experience fully their

town or city without also being responsible, active and informed citizens.

We reaffirm in this regard the validity of the values and principles contained in our European Charter of Local Self-Government drawn up in 1985, and in particular the belief that the right of citizens to participate in public affairs can be fully exercised at the local level.

Indeed, we think that it is at this level that this right is exercised most directly, most effectively and most successfully.

We also reaffirm the principles of ethical public life as defined in the European Code of Conduct for local and regional elected representatives.

Lastly, we think that the crisis of political representation facing many of our countries, which can be seen especially in high abstention rates at elections, a continuing extremist vote and a growing disaffection with politics, can and must be fought primarily at the local level.

We, European local elected representatives, believe that urban democracy, having for a long time been a school of national democracy for many politicians, can revive the public spirit of our citizens and their appetite for democracy.

As far back as 1985, the European Charter of Local Self-Government envisaged the possibility of having recourse to participatory democracy practices alongside the traditional mechanisms of representative democracy.

We therefore encourage, as the Charter of Local Self-Government invites us to do, the use of citizens' assemblies, local referendums and all forms of direct citizen participation.

To promote the exercise of modern local democracy we recommend, for example, the setting up of elected councils at the different levels of urban decision-making, which, however, does not preclude the provision of information to residents and opportunities for public discussion and co-operation in urban planning.

In the same spirit of involvement of all the components of the urban population, the right to vote and to stand in elections for urban local assemblies must be granted to migrants, who contribute in many different ways to the life of the community.

To maximise the effectiveness of these different arrangements, we urge our towns and cities to make full use of new information technologies in order to improve public consultation on urban projects. We believe that interactivity and speed of information can enhance the process of democratic participation and improve dialogue between elected representatives and citizens.

Our towns and cities must work to establish extensive local e-democracy. Far from being technical gadgets, information and communication technologies (ICTs) offer new opportunities for democratic mobilisation which it would be tragic not to make use of in these times of disaffection with politics.

With regard to local powers and responsibilities, we believe that appropriate devolution is a key to the proper democratic functioning of our towns and cities. In this connection, we reiterate our attachment to the principle of subsidiarity, which regulates the proper relationship of powers between the European, national and local levels.

But the principle of subsidiarity cannot stop halfway between central government and the local level. It must also guide the

distribution of responsibilities between the different levels of local government and within local areas.

In keeping with this spirit, we believe that the general principle governing the allocation of public management responsibilities in our towns and cities must be based on a constant concern for closeness to urban citizens. This principle should apply, for example, both to large conurbations and to infra-municipal areas (neighbourhoods, wards, districts), which should be able to have their own elected assemblies, budget and local powers and responsibilities.

Furthermore, the devolution of local and regional powers and responsibilities should be accompanied at all relevant levels by the resources, particularly financial resources, needed for the full exercise of those responsibilities. Here again, we recommend referring to the European Charter of Local Self-Government, which demands that towns and cities be able to control their expenditure.

We believe that the complexity of exercising these powers and responsibilities in the management of large urban areas calls today for a clearly identified, democratically elected urban government driven by a constant concern for good urban governance.

This governance should be subject to effective supervision mechanisms and regular evaluation. It should be open to political and public debate in local elections in order to mobilise citizens and lead a majority of urban citizens to support the collective urban political project. In this context, the elected urban executive, the mayor or equivalent, should act as a driving force for local activity and should be committed to mobilising citizens and the networks that shape the urban fabric around a collective political project that can be understood by the majority of people.

The quality of this urban governance also lies in its ability to organise itself within an appropriate area, ensuring a match between the size of local institutions and the urban areas which they are responsible for developing and administering.

We believe, moreover, that some issues cannot fall exclusively within the scope of local management (urban sprawl, transport and information infrastructures, right to housing, environmental protection, etc.) and that it should be possible for local policy issues to be regulated at regional, national and European level on the basis of a balanced and respectful partnership.

In this connection, the need for spatial equity requires that towns and cities be able to contribute to measures for redistributing resources. Such measures should make it possible to reduce unavoidable spatial inequalities.

We, European local elected representatives, aware of the profound changes affecting our countries in the general redistribution of powers between European, central and regional governments and local authorities, believe that the weakening of state supervision and the resulting emancipation of towns and cities should not be to the detriment of much needed solidarity between local areas. The increasing independence of towns and cities should not lead to ruthless, unregulated competition between local areas.

We are convinced that the state must be the guarantor of this solidarity, which should be set in a context of balanced regional, national and European spatial planning.

Sustainable towns and cities

We, European local elected representatives, support the action taken by our citizens, and more generally by all the players in urban

development, to turn our towns and cities into sustainable urban spaces.

We share our citizens' growing concern at the increasingly clear evidence of the global environmental crisis facing us. This crisis now affects the whole biosphere and is reflected in declining biodiversity, soil degradation, increasingly scarce water resources, air and river pollution, an increase in other forms of pollution and environmental degradation, and many other aspects which affect our quality of life. The crisis is unquestionably man-made and one tangible result is the increasing number of natural disasters and exceptional climatic events which have alerted opinion in our countries and greatly increased citizen involvement in addressing environmental issues.

We believe that this global environmental crisis takes on a particular form in urban areas and calls for specific analysis and treatment in the context of urban ecology.

In addition to the strict protection of the local environment, which they must provide for their territory and their citizens in a context of heightened risk, we believe that our towns and cities have a major role to play in protecting, restoring and managing the global environment.

In terms of the level of economic activity, the increasing size of urban populations in Europe and the ability to generate relevant behavioural models, our towns and cities are in the front line of the fight for a more liveable planet. It is for us to support them in this responsibility which is crucial for the future of our societies.

In keeping with this spirit, we undertake to develop urban ecology in order to turn resolutely towards a more sustainable kind of urban development. We undertake to reduce the environmental

footprint of our towns and cities, to preserve their natural resources, to maintain and enhance their biodiversity, to provide access for all to public assets and their networks, and to make energy efficiency central to our policies.

To achieve this, we know that we must organise our development around different types of urban form and a different model of mobility.

With regard to the urban form, we believe that the current dilution of urban areas is a cause for concern. Urban sprawl, which is usually accompanied by a functional specialisation of areas between shopping, residential, leisure, industrial and craft areas, drastically reduces the environmental capital of our towns and cities. This sector-based urban model increases energy waste and damage to the environment. It is a policy which has no future.

We must conceive of our towns and cities in terms of dense, compact urban forms requiring as few resources as possible for their maintenance and allowing their inhabitants to have access to the various urban functions and services in the immediate vicinity, as well as to leisure areas and preserved natural areas. We seek towns and cities that are sparing of resources, land, travel and energy. Our towns and cities must be coherent and compact if urban areas are to be made easier, more accessible and livelier for all their inhabitants, whatever their social status, age or state of health.

We want towns and cities that are able to check their growth through improved management of land use.

Mobility is the other central variable of the proper functioning of towns and cities and of environmentally sound urban development. Travel and mobility are becoming increasingly

important in our society of intense communication. They are becoming a key to good urban practice and a decisive factor in the quality of urban life.

To take up the challenges of controlled and sustainable mobility, we believe that we must develop credible alternatives to the car. The adverse effects of the priority given to the car are now well known. Air and noise pollution, road safety issues, fragmentation of space by invasive infrastructure, the blighting of our urban landscapes – all these encourage us to turn resolutely towards a development that is oriented more towards the citizen and shows greater concern for the human dimension of our towns and cities. We must free ourselves from over-dependence on the car all the more quickly because, in addition to the environmental problems that it causes, it prevents a large number of people without access to individual motor transport from fully enjoying the towns and cities that they live in.

It is for us, European local elected representatives, to promote sustainable mobility policies which favour "soft" means of travel such as walking and cycling as well as all forms of public transport.

In this connection, we must opt for a public transport policy which is not restricted to public transport alone, but which provides for a new social sharing of the roads and public space in which all means of travel will find a place, but with cars and motorcycles taking a smaller place, due account being taken of their social usefulness.

It is in this spirit that we must pursue concurrently our aims of sustainability, conviviality and improved mobility flows in our towns and cities, which depend in particular on the possibilities offered by increased use of intermodal transport.

Our analysis has led us to the realisation that the sustainability dimension of our urban development (compact towns and cities, voluntary and controlled mobility, respect for the environment) is not just another step in the improvement of our quality of life, but the indispensable precondition for proper spatial development. Only a commitment to sustainability can give real coherence to our urban development projects and offer tangible prospects of success.

Cohesive towns and cities

Our towns and cities must be understood in their wider geographical context. They develop within a regional, national and European space. They are integrated politically and economically into those spaces and crystallise their socio-economic contradictions, and in particular the profound social inequalities affecting our societies.

We, European local elected representatives, believe that sustainable urban development, which must reconcile the economic activity of towns and cities with the protection of our environment, is inconceivable without a demand for social equality. We want to make the social dimension a central aspect of our sustainable development policies. That is the meaning of the historic compromise that we want to achieve at the local level between the environmental, economic and social dimensions. It is essential to pursue new urban policies incorporating these three requirements.

The towns and cities that we want are places where everyone enjoys a good quality of life and access to services, particularly in the education, health, cultural and housing sectors. They are also places where there is a genuine social mix, reflecting our goal of

building a cohesive, inclusive and diversified society with ambitious quality of life standards in Europe.

The question of housing is of particular importance. The population movements which have led to continual growth of our towns and cities in recent years have triggered a housing crisis in many of our countries and urban areas, which has been exacerbated by the rising land and property prices. Despite this situation, we remain attached to the principle of a right to housing. We must pay particular attention to the availability of a varied housing provision with the aim of maintaining an indispensable social mix in our neighbourhoods. We must be able to offer the inhabitants in all sections of our towns and cities the possibility of housing that is tailored to their needs and income.

This aim calls for strong political will on our part and a policy of active solidarity founded on a democratic ethic. It involves promoting solidarity between generations, with low-income groups and the disabled, and with all those facing financial and social difficulties. The ultimate goal is to combat social exclusion and thus offer everyone the opportunity to enjoy the vast potential offered by towns and cities.

In this connection, we are aware of the work that remains to be done to realise this aim of cohesive towns and cities. We observe disturbing trends towards increasing poverty. Serious social and spatial disparities continue to affect large sections of our populations. In addition to the wide social rifts between different urban neighbourhoods, there are ecological disparities which mean that the most vulnerable among us are concentrated in the areas of greatest environmental degradation, resulting in a dramatic combination of inequalities. We are particularly alarmed by spatial disparity processes that are leading to gentrification of certain urban areas, by the uncontrollable rise in land prices in our

urban centres and its parallel phenomena of ghetto formation in peri-urban areas and by the appearance in certain places of "gated communities" that encourage a spatial segregation which is breaking up our towns and cities.

We solemnly reaffirm that the central aim of urban policies is social and spatial cohesion. Our towns and cities are places where people live and work, multigenerational, multicultural and multireligious places where people from all social backgrounds mingle on a daily basis. For urban society to develop fairly, mutual assistance between citizens, dialogue between groups, including inter-religious dialogue, and voluntary activity need to be promoted. We will continue our fight against financial and employment insecurity, exclusion and all forms of discrimination on grounds of social status, age, culture, religion, gender and disability.

Our towns and cities must also be rid of all forms of stigmatisation of particular groups, which are seriously detrimental to the sense of belonging to an urban community and which, more often than not, are the root of the urban violence, antisocial behaviour and insecurity that is painfully felt by our urban citizens, particularly the most vulnerable among them (the elderly, children, people living alone, immigrants, the poor).

Lastly, we consider that the solidarity which is needed within the city limits should also guide our relations with urban surrounding areas, other neighbouring towns and cities and the rest of the population, in accordance with criteria and redistribution mechanisms decided at national level.

In keeping with this spirit, mutual assistance between towns and cities is intensifying at international level, particularly where the countries of the South are concerned. This solidarity which is spreading as globalisation grows may be seen as a form of "city

diplomacy". We strongly encourage these other forms of solidarity with the cities of disadvantaged countries, which help to build a more balanced and more cohesive world.

Our concept of solidarity begins in the neighbourhoods of our towns and cities, but it cannot stop at their gates.

Knowledge-based towns and cities

Our towns and cities are the crossroads of civilisations. They are the ideal setting for knowledge and culture to find expression; they are contact and meeting places. We, European local elected representatives, view our towns and cities as places of exchange, cosmopolitan places where differences are free to interact and find expression in a spirit of mutual respect.

We are not looking for towns and cities where cultural differences merge into a single global,, globalised and homogenised model. Our towns and cities are culturally and architecturally different and diverse, and must remain so. We are alert to the risks of standardisation of buildings and services and the aberrations of a globalised urban development model which only obeys the rules of a global market, leaving its uniform imprint everywhere.

We also support the culture of our local areas and their identities. We wish to promote and disseminate our local cultures and our local history as a key asset in an increasingly globalised world. We undertake to continue our efforts to support artistic creation and ambitious policies of cultural amenities for our towns and cities.

Our towns and cities have always been home to forces for change and innovation. They are an opportunity for progress and adjustment to change. We believe that our towns and cities are the focal points of the knowledge-based economy, which is already

driving the development of our communities and will do so even more in future.

We think that, at the beginning of this new millennium, our towns and cities more than ever have a historic role to play in the establishment of this knowledge-based economy in Europe. The de-industrialisation of entire regions, the rise of the new information and communication technologies, the advent of biotechnology and, more generally, the development of intangible economic activities, mark the new forms of our development, and we know that local areas can play a major role in this regard. We therefore want to give priority to knowledge and innovation, to access to education, to research, and more generally to cultural and artistic activities, which provide the fertile ground on which this new economy will grow.

With this in mind, we undertake to develop our communications and telecommunications infrastructure, increase Internet access, to create "intelligent" spaces and bring e-governance into general use. We want to make our towns and cities the setting for omnipresent co-operation networks that can facilitate the transfer of knowledge between education and research systems and the production system. We want to build digital towns and cities that are an asset to our development.

We are aware that our goal of making our towns and cities a cradle of knowledge, culture and the arts would lack credibility if we showed no concern for their architectural beauty.

In this connection, we are aware that our urban landscapes have often developed in the last fifty years without any real concern for high architectural quality. We have neglected many of our peri-urban landscapes and we have abandoned the outskirts of our towns and cities to soulless and uncreative commercial urban

planning. Henceforth we want to take into greater consideration the architectural dimension in our spatial development and foster the development of a lively architectural culture among decision-makers and urban citizens.

We want to be proud of our towns and cities and their culture, but also of their architecture.

Conclusion

We, European local elected representatives, know that the present development of our towns and cities is not without danger and that they face unprecedented environmental, democratic, cultural, social and economic challenges.

In this Manifesto we are driven by a sense of confidence in our towns and cities. We firmly believe that they are a unique asset for our societies. As driving forces for local and regional development and as political players, individually and in networks, towns and cities have to address the changes in our societies. They can contribute to the prosperity of their communities and to their sustainability. But the perspective cannot be exclusively local. In the pursuit of this goal of prosperity and sustainability, they must continue to show solidarity with other local areas.

We know that our towns and cities have a long history and must be viewed from a long-term perspective of our cultures. We think that these roots in the past and in our collective memories are also an asset that helps us to project ourselves into the future on the basis of a strong identity. We are not proposing a single model of urban development. Our towns and cities have their own personalities. They are all different and their diversity is an opportunity for Europe.

Concerning diversity of, and diversity within, towns and cities, we think that the ability to integrate cultural diversity can be developed through a conflict-free vision of our identities. We are proud of our identities, but we view them unreservedly as an element of openness to others.

We are convinced that encouraging towns and cities to strive for more democracy, greater sustainability, ever greater solidarity within and between local areas, better governance and better performance is crucial for the proper development of our societies.

It is this optimistic, ambitious and demanding message that we wish to convey to our urban citizens and to all those involved in urban development. We propose this Charter as an invitation to build a new urban project for the towns and cities of Europe based on a sharing of values and an exchange of experience, so that towns and cities can retain their individuality while collectively embodying a European urban blueprint that is a seamless combination of humanist values, individual freedom, economic prosperity, social solidarity, care for the planet and living culture.

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. The Congress of Local and Regional Authorities is an institution of the Council of Europe, responsible for strengthening local and regional democracy in its 47 member states. Composed of two chambers – the Chamber of Local Authorities and the Chamber of Regions – and three committees, it brings together 648 elected officials representing more than 200,000 local and regional authorities.

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