# Inter-communal Co-operation and Its Features: The Case of Slovakia

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#### **Abstract**

Although territorial consolidation has not been introduced in Slovakia and the local structure remains very fragmented, several other reform steps have become the component parts of administrative reality in Slovakia. Due to them, the fragmented Slovak communities have been obliged to look for some suitable co-operative forms which might help them to perform their competencies in a proper way. The most important forms are, inter alia, microregions and joint municipal offices. The author deals with both of them in his paper, and he points out both quantitative and qualitative features that characterize a present situation in this field in the conditions of Slovakia. A main goal of this paper is to provide an overview aimed at the recent development of these two inter-communal cooperative forms, their legal status and political nature, their recent activities, and possible expectations linked to their further development.

Key words: inter-communal co-operation, micro-regions, joint municipal offices, Eastern

Slovakia

**JEL Classification:** H77, L38, R58

#### 1 Introduction

Since 1989, the Slovak Republic (the SR) has gone through some very important changes in a relatively short period of time. As far as a territorial consolidation at the local level, neither the parties' election programs nor the governments' program declarations have considered it (in comparison with some other kinds of consolidation) the most important or crucial point. However, although territorial consolidation at the local level has not been introduced in the Slovak case, several other reform steps in the administrative field have become the component parts of administrative reality in the SR. Due to them, the fragmented Slovak communities have been obliged to look for some suitable co-operative forms which might help them to perform their competencies in a proper way.

Local as well as regional level in Slovakia (or more precisely issue of the politico-administrative actors which perform their activities at these levels) has been examined neither from the side of political scientists, nor economists, nor other researchers in a proper and adequate way. It means that there is still a significant lack of relevant knowledge centered on this issue. Concerning this fact, I would like to respond to three basic questions in my paper:

- What problems/difficulties must be the Slovak communities concerned with?
- What co-operative forms have been used amongst those communities in order to overcome them?
- What is the possible future or what are the possible expectations associated with the selected co-operative forms in terms of the recent development?

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# 2 Inter-communal co-operation in Slovakia

#### 2.1 Recent political development in terms of local level development

The transformation of the territorial structure of government – its decentralization, and particularly, the introduction of regional and local governments – was considered an essential task in the process of rebuilding political and administrative systems in CEE after 1989 (Illner, 1999: 7). Slovak communities obtained a self-government status in 1990 and became full-fledged actors of policy-making at the local level.

Further development of the reforms was significantly affected by high-level political tensions. After the separation of the SR from the Czech Republic in 1993, the SR constitutionally characterized itself as a sovereign state based on the principles of democracy and rule of law. Political practice (especially during the period of 1995-1997) indeed demonstrated that declaring something was not the same as realizing it. Already in this time some authors – e.g. Konečný (1995), Malíková (1995), Sopóci (1995) and Buček (1997) – pointed out that the local structure in the SR had been too fragmented. Moreover, speaking about the period after 1992 in terms of self-government, it is quite clear that public administration reform was not in central governments' policy mainstream. The local governments were in a very difficult situation in this period. According to the Analysis of Status and Development... (1995):

- Although a holding of state budget on GDP increased within the period of 1990-1994 to 10-14 %, a holding of local government budgets on GDP decreased within the same period from more than 7 % to less than 5 %.
- The local governments did gain a good public reputation and they were very passive in relation to other subjects. They even did not co-operate with other local governments, although they were legally allowed to do so. And due to the centralistic approach of the central government, there was a lack of real promotion aimed at the idea of using the right to assume some new functions.
- At the beginning, there was an idea that the state should support those activities of local governments which were linked to investment in infrastructure, environmental protection, and public-assistance housing. However, the reality of the first half of the 1990's showed that the state did not accomplish these functions at all (its system of grants was insufficient, unfair, and non-motivating).
- The state did not have any clear and stable concept of system for a holding of local government budgets on state taxes' income (mainly a residual method was utilized). Due to such an absence, local governments could not develop any real strategic projects.
- Most of the local government budget receipts were unstable and many of them were rather coincidental or irregular.
- There were many differences between rural and urban communities, but the extent of their competences was the same.
- Because of both an absence of regional self-government units and a high number of delegated competencies from state administration to local governments, the units of regional as well as district state administration acted as "supreme units" in relation to the local governments.

While the government, which was established in 1998, approached the preparation and implementation of reform steps, the intensity of these steps was limited by the political composition of the government and their character was quite selective (Mesežnikov, 2004: 63-64). Draft Concept of Decentralization and Modernization of Public Administration that had been elaborated by Viktor Nižňanský, Government Commissioner (Plenipotentiary) for Public Administration Reform, was approved by the government in April 2000 (this document developed the ideas involved in the Strategy of Public Administration Reform which was approved in 1999). At the same time the government was deciding on an establishment of regional self-government units and their bodies. Consequently, Parliament approved in 2001 both acts on self-government regions as well as regional election and the act on devolution (the Act of the National Council of the Slovak Republic No. 416/2001 Coll. of Laws on Some Competences Devolution from State Administration Bodies on the Communities and Superior Territorial Units) which significantly influenced the position of local governments too.

As far as competencies and their devolution, in compliance with the mentioned act these were transferred to the relevant local and regional governments over five periods.

- 1 January 2002 (competencies in the spheres of water-resource management, registration, regional development and tourism, primary educational system, and nature protection);
- 1 April 2002 (competencies in the spheres of administration of theatres, and administration of museums and galleries);
- 1 July 2002 (competencies in the spheres of public health care, social support, primary educational system, and physical training and culture);
- 1 January 2003 (competencies in the spheres of social support, land-use planning, and administration of land transport);
- 1 January 2004 (competencies in the spheres of administration of land transport).

The stakeholders took the phased approach in order to accentuate the necessity to provide adequate time for both the regional and local governments to prepare for the proper execution of those competencies. However, even if such periods had been longer, most communities would not have had enough time to prepare. The problem is that there are too many very small communities (table 1), especially in the countryside of Eastern and Southern Slovakia, and that the smallest communities (for example, the community of Príkra had only 7 inhabitants) have the same competencies as the largest ones.

Table 1: Number of the communities and their inhabitants in the SK.								
Size category	Cor	Communities (municipalities)			Inhabitants			
(number of	N	Share in	Cumulative	Number of	Number	Share in	Cumulative	
inhabitants)	Number	%	share in %	towns/cities		%	share in %	
Up to 199	380	13.14	13.14	0	47,363	0.88	0.88	
200-499	794	27.46	40.60	0	273,080	5.08	5.96	
500 -999	775	26.81	67.41	0	547,161	10.17	16.13	
1.000-1.999	555	19.20	86.61	2	774,448	14.39	30.52	
2.000-4.999	259	8.96	95.57	19	753,922	14.01	44.53	
5.000-9.999	56	1.94	97.51	45	386,411	7.18	51.71	
10.000-19.999	32	1.11	98.62	31	452,325	8.41	60.12	
20.000-49.999	29	1.00	99.62	30	844,944	15.71	75.83	
50.000-99.999	9	0.31	99.93	9	639,585	11.89	87.72	

Table 1: Number of the communities and their inhabitants in the SR.

100.000 and more	2	0.07	100.00	2	660,814	12.28	100.00
OVERALL	2,891	100,00		138	5,380,053	100.00	

Source: Komunálna reforma, 2004.

Due to the continuing increase of number of the communities since 1989 (there were 2,669 communities in the SR as per 31 December 1989), Parliament approved an amendment of the Act No. 369/1990 Coll. on Municipalities. According to the rules of this amendment (it has been in force since 1 January 2002), if there is a proposal for the division of some community, every succession unit (i.e. new community) must have at least 3,000 inhabitants.

The program declaration of ruling coalition, which was formed in 2002, presented an ambitious plan of sector reforms concentrated in a short period of time (Mesežnikov, 2004: 64). There were some tensions which, in the end, led to the shortening of the government's term of office (in 2006), but despite these problems, the government was able to push through a few important reforms.

The issue of fiscal decentralization became a true "hit" in the public debate on public administration reform and its continuation. All major political parties pledged, as stated by Láštic (2008), to decentralize power over public money and all advocated the accumulation of self-collected revenues by local and regional governments (Kling and Nižňanský, 2003: 195). Fiscal decentralization was not implemented simultaneously with the decentralization of competencies and some serious problems occurred because of it. Although fiscal decentralization was expected with great concerns primarily by local and regional governments and their associations, they complimented, as stated for example by Pilát and Valentovič (2006), its impact after a relatively short period of implementation.

Viktor Nižňanský, who became Government Commissioner (Plenipotentiary) for the Decentralization of Public Administration elaborated in May 2004 in a document called Communal Reform, which contained, along with other elements, justification and proposals for an amalgamation of Slovak communities. The author was inspired by amalgamation processes in some European countries and proposed two possibilities for an elimination of too highly fragmentated communities in the SR. As he emphasized, the communities should be amalgamate either by way of area (table 2) which would be connected with the abolition of amalgamated communities (amalgamated communities would create defined and fixed number of municipalities with their own legal personalities) or by an establishment of local unions (associations) which would be connected through the preservation of amalgamated communities (local unions would not be defined). The document was considered an effective tool in order to start a public debate on this topic and according to its author, it should not be seen as a set of final decisions, but despite of such statements, some representatives of local governments rejected it without becoming familiar with its content.

**Table 2: Proposal for amalgamation by way of area:** 

Indicator	Present situation	Proposal	Comment	
Number of communities/municipalities	2,891	239-300	The original communities should not misplace their identity; they should have a right to establish honorary offices of mayors; If necessary, there should be established field offices of local governments'	
Average size (population) of communities/municipalities	1,900	18,000-22,500	One municipality should not have less than 5,000 inhabitants	
Number of the communal boards' deputies	Ca 25,000	Ca 6,000	They should be elected in one-mandate districts	

Source: Komunálna reforma, 2004.

The representatives of the Association of the Towns and Communities of Slovakia (ZMOS) stressed that the reform of the local government system would be necessary, but that amalgamation is possible only if the principle of spontaneity is adhered to. Real and broader public debated was not started because of three reasons: first, the fiscal decentralization issue was such a serious issue that it drowned out every other issue linked to local governments during this time. Second, relevant parts of the opposition supported by a high number of local politicians (especially mayors from the small communities) were in principle against any sort of amalgamation. And third, the ruling coalition faced in this time some internal turbulence.

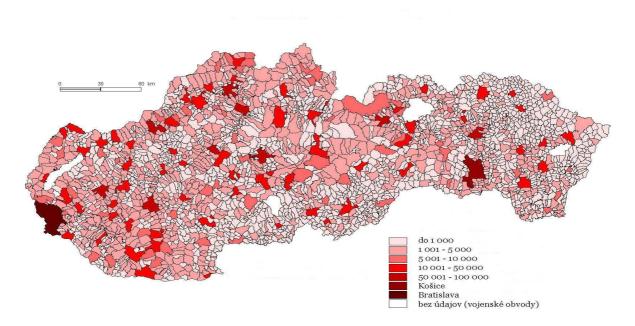
Besides this proposal, some experts as well as politicians called for a re-arrangement of regional division of Slovak territory in this time. Very interesting debate surfaced within the context of the local government system of Košice. This city is divided into 22 town districts with own administrative structures, which is both unusual and inefficient because the biggest one (Košice-Západ) has more than 40.000 inhabitants and the smallest one (Košice-Lorinčík) has less than 400 inhabitants. Last but not least, there was a proposal related to the possibility of time unification of territorial self-government elections (i.e. local election as well as regional election). However, all these proposals failed to attract broad political or public interest and support. The most essential feature of this situation is that these issues hardly drew any public attention, and only a few groups of some experts and politicians elaborated their statements to them. Moreover, as far as reform of local government systems, the new government elected in 2006 did not refer to it in its program proclamation; in the case of Košice, on account of strong resistance from the side of small city parts, this debate lost its way quite soon, and with reference to prolongation of regional self-government bodies' term of office, points emphasized by its opponents turned the scale.

The new government (it was created in 2006) did not mention the continuation of decentralization processes in its program proclamation. Moreover, it started with huge critique and reappraisal of the policies (and especially concerning the proposed reforms) of the previous government, and attempted to make modifications to them. Within the context of possible territorial consolidation, this government stopped all official negotiations and discussions on the document called Communal Reform, and deputed Ján Turčan as Government Commissioner (Plenipotentiary) for the Territorial Self-Government in February 2007 in order to prepare until June 2009 a new proposal in regard to this issue. However, as mentioned by Nižňanský and Pilát

(2008) this task involves a few obstacles. First of all, the government commissioner will prepare a proposal on the procedure of elaboration of the local government reform concept and not the concept of reform as such. Second, there is a legitimate fear that this government will not implement such a proposal because it should be presented in June 2009, i.e. approximately one year before the next general election. And third, the Prime Minister mentioned during the general session of the ZMOS in 2007 that the amalgamation of the communities would not be any essential goal of this government's effort.

#### 2.2 Fragmentation at the local level and actual state of inter-communal co-operation

There are at least two potential measures of the size of a local government: population number and surface area. Both of these have some advantages when applied to different public administration themes (Swianiewicz, 2002: 5). However, for purposes of this article, mainly the first possibility is utilized.



Key: "bez údajov (vojenské obvody)" – without any data (army zones). **Figure 1: Size structure of the communities in SR (2004).**Source: Zvolenský in: Čavojec and Sloboda, 2005: 19.

SR belongs to the most fragmented European countries in terms of the size of local units – i.e. communities (table 1, figure 1). More than 67 % of all Slovak communities have a population of less then 1,000 inhabitants. The smallest communities (with a population of less then 250 inhabitants) are concentrated in terms of their locations especially in the northeastern part of the Slovak territory as well as in the areas surrounding the Slovak-Hungarian border of the central part of the Slovak territory. Some of them are situated in the both northwestern part and southeastern part of the Slovak territory as well. In the western part there are very few such communities. On the contrary, only two Slovak communities have a character of city with a population of more than 100-thousand inhabitants. These two cities (Bratislava and Košice) are

the biggest Slovak communities and, under the rule of specific laws, they use so-called two-tier local government system, where one tier is created by city en bloc, and the second one involves town districts (Bratislava is divided in 17 town districts, Košice in 22 town districts). The other Slovak communities, regardless of their size, have the same structure of local government bodies and the extent of competencies. The absurdity of this situation might be proven by the existence of the smallest community (i.e. Príkra with seven inhabitants). According to the Act on Municipalities, there was a provision that every communal board has to consist of 9-60 deputies. Obviously, this was later changed and the lowest number of deputies was reduced to three persons. However, according the other rules, when there is local election, every election committee must have at least five members who cannot be simultaneously the candidates for deputies. Moreover, there is still a candidate for mayor who cannot be a member of that committee too, and who cannot become communal board deputy and at the same time mayor.

## 2.3 Inter-communal co-operative forms

According to Kling, Nižňanský and Pilát (2002), there were two forms of inter-communal cooperation which could be described as the most common and should help to overcome existing problems issued from a highly fragmented local structure. However, in my opinion, there are four such forms on the present as follows: national associations of universal character, joint municipal offices (JMO), voluntary institutionalized regional associations, and specific-purpose associations. The most important in terms of fragmentation-consolidation issues are JMOs, and voluntary institutionalized regional associations (also called micro-regions). The JMOs are established in order to execute some competencies - especially those linked to construction proceedings, land transport, nature and environment protection, domiciliary services, primary educational system, and other fields like water resource management, flood protection, civil protection, etc. But the most usual reason for their establishment is a performance in the construction proceedings field. Their nature is optional, and there is no possibility to force any community to become a member of some JMO. Every JMO has to respect three principles: first, principle of mutual usefulness; second, principle of equality in regard to the positions of member communities; and third, principle of autonomy in decision-making processes that belongs to all member communities. It is clear in the view of these principles, that it completely depends on the member communities' decisions how intensively binding JMOs are, and how their activities are controlled.

According Kling and Pilát (2003) the communities have had a right to establish JMOs since 1990, but in fact they did not exercise this right until 2002 (there were approximately 20 JMOs in this time in the SR). However, devolution of some competencies accelerated this process and in February 2003 existed in the SR already 75 JMOs, in April 2003 129 JMOs, and in August of the same year even 147 JMOs that associated 82 % of all Slovak communities with approximately 60 % of all inhabitants.

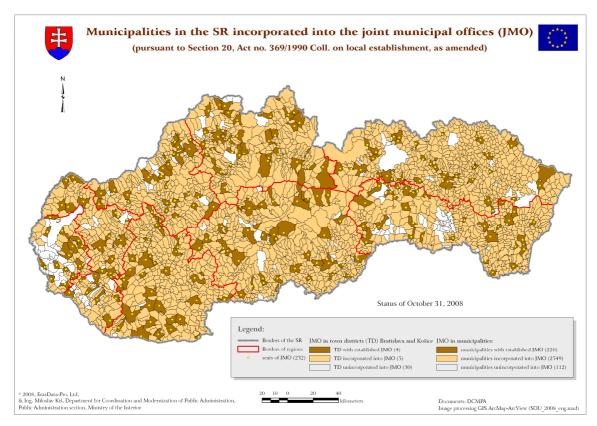


Figure 2: Communities involved in some JMO (2008).

Table 3: Joint municipal offices in the SR (2006).

Size of JMO (number of communities)	Entire number of JMO	Entire number of involved communities	Share in %	Number of inhabitants of involved communities
Up to 10 communities	108	561	52.9	2,131,900
11 – 20 communities	48	687	23.5	960,322
21 – 50 communities	43	1,267	21.0	1,267,996
51 or more communities	5	324	2.6	214,534
OVERALL	204	2,839	100.0	4,574,752

Note: All of them acted in the field of construction proceedings, 92 in domiciliary services, 70 in land transport, 55 in primary educational system, 45 in nature and environment protection, and 38 in some other fields.

Source: Kiš and Volko, 2007, 101.

The present total number of these offices is (as of 31 May 2008) 232, but their character and structures vary to a great extent. There are JMOs which perform their activities only for two communities, but, on the other hand, there are several such JMOs which perform their activities for many communities (e.g. JMO Sveržov performs its activities for 80 independent communities). Some of them are centered on one area of activities, but some of them are multifunctional and perform their activities in several areas (e.g. JMO Uhrovec performs its activities in eight fields: construction proceedings, land transport, water resource management,

nature and environment protection, regional development, domiciliary services, fire protection, and public health care). Moreover, there are communities with membership in different JMOs for different fields of activities (e.g. in the field of construction proceedings Slovenské Nové Mesto belongs to JMO Malá Tŕňa, but in the field of primary educational system the same community belongs to JMO Trebišov).

The voluntary institutionalized regional associations includes two groups of associations – the first group consists of Euro-regions; the second one involves so-called micro-regions. The microregions have not been legally defined so far, but usually they are territorially small units involving at a minimum a few communities which have a common historical development, economic interconnection, etc. Their nature is based on voluntary association, and sometimes they do not respect official administrative borders (e.g. micro-region called ZRT Dobšiná does not respect the borders of self-government regions). Furthermore, some communities are involved in two micro-regions (e.g. Viničky and Zemplín are the members of micro-region called Tarbucka and at the same time they are members of the micro-region called Tokajské obce). They are established for many different reasons: for instance, in order to promote the locality, in order to prepare and manage some development projects, etc. There were 245 registered microregions in SR in 2004 and they involved approximately 65 % of all Slovak communities. An interesting point is that their borders often correspond (partially at least) with existing borders of JMOs' areas (e.g. JMO Hanušovce nad Topl'ou performs its activities in the field of construction proceedings for those communities associated in Micro-region Hanušovce nad Topl'ou). Many of them co-operate also within the structures of the above-mentioned Euro-regions.

The biggest problem of these micro-regions is a question of their activity. Some of them exist only officially, and they are not active at all. On the contrary, there are micro-regions that are very active and successful in terms of the accomplishment of their mission, too. Also their legal status often vary – some of them are established as non-profit organizations, some as civic associations, and some as associations of the legal persons. However, while the JMOs consist strictly of the communities, the members of micro-regions can be also other public agencies (e.g. specialized agencies for regional or local development), various private legal persons (e.g. local/regional enterprises, non-profit organizations or other NGOs), and natural persons (e.g. civic activists or experts). With respect to this, the micro-regions might both dispose with high level capability and provide a proper argument linked to the utility of joining and co-operating with the communities.

#### 3 Conclusion

A serious problem which should be solved in the near future is the mentioned excessive fragmentation of communities. The increasing problems of rural areas in the Slovak Republic have caused a gradual outflow of economically-active people to towns or urban areas. Furthermore, young people who leave villages to study in towns do not return to their villages after finishing their studies because they see no future there. Rural areas are thus becoming depopulated and are increasingly inhabited by elderly people and pensioners (Kling, 2003: 473). In addition to this there is a lack of economic initiatives, and traditional possibilities linked to economic activities in agriculture or forestry are very reduced (Sloboda, 2004: 5). Many of these atomized units are not even able to perform their tasks, and recently have had to look for various more or less institutionalized co-operation possibilities.

As far as a possible continuation of the discussion on territorial consolidation and amalgamation of the communities, we have to always take into account that there is a strong opposition founded on various fears. On the one hand, the representatives of local governments do not agree with the stabilization of the settlement system of the SR through the amalgamation of existing communities. The experience of forced amalgamation remains a major barrier to it. As stated by Slavík (1994), while in 1950 there were 3,344 communities in Slovakia, their entire number decreased in 1989 to 2,694 (i.e. almost 20-percent-decrease). The forced and often also unnatural amalgamation was most extensive during the 1970's. Moreover, the support for the central community in an amalgamated municipality and the contrary, shutdowns of any development in the non-central communities, during state socialism caused voluntary amalgamation to be unacceptable. Another barrier to amalgamation is that communities are not willing to give up any of their control to another community once they have gained their independence. There is a widely-held opinion among citizens that if the established municipality consists of several parts (former independent communities), the home of the mayor will be developed the most. It is also perceived that smaller communities in such municipalities are not decently developed. The later opinion prevails among the citizens from the rural parts of the towns and cities. These citizens sense they are being shortchanged in some way. According to their complaints, the town or city council does not pay appropriate attention to the development of rural town parts and it only deals with the development of non-rural parts (Kling, Nižňanský and Pilát, 2002: 120).

Due to the aforementioned barriers and fears, it is quite likely that the present government (and probably also the next government) will not solve the high fragmentation of local level through any amalgamation scenario, and would rather try to find another solution for unification. Obviously, in regard to this, there is a question of fiscal sustainability. The share of the local governments' budgets on the entire public expenditures was almost 9.5 % in 2008, but this means that (in absolute value expression) the expenditures of the local governments in 2008 expended in comparison with 2006 by 360 million Euros. Such rapid growth is not sustainable in the long term, and territorial consolidation along with rebuilding as well as consolidation of local fiscal structures should be introduced in the Slovak situation.

One of the unification possibilities, which has been already experienced by some other countries, consists of the introduction of local laboratories (e.g. so called free communes) that have never been introduced in the SR before. The central government could invite local authorities to propose and submit applications centred on regulations from which they would like to be exempted. The local authorities, however, should provide evidence that they would be able (either alone or in co-operation associations with some other neighbouring communities) to meet all the needs of their inhabitants. A double pressure (higher responsibility for their own development, and the inhabitants' expectations) might lead to the establishment of various cooperation networks and to the amalgamation of a voluntary nature. Iancu (2007) demonstrated that while this tool brought clear positive results in some countries (e.g., Sweden), there are also countries (e.g., Romania) where it failed to meet expectations. Thus, although it is not automatically effective, it represents a possible tool for bringing the amalgamation of municipalities into practice in SR. Obviously, there are some other possibilities, too. One of the most ordinary possibilities is the establishment of different municipal categories. For example Šutajová (2006) considers the absence of any functional categorization of the Slovak communities to be one of the most serious problems in regard to the policy-making processes at the local level. Besides that, here it is necessary to stress that there are some post-communist

countries – e.g., Slovenia or the Czech Republic (Belak, Benda, Pinterič, 2008; Jüptner, 2005) – that already have had good experience with implementing this tool into the framework of their administrative systems. Spontaneous territorial or issue-oriented associations of municipalities present another possibility. Such an approach is, for example, common and typical in some parts of Germany (Jüptner 2007). Furthermore, it is impossible to expect that the implementation of some "successful foreign tool or approach" will automatically apply in the Slovak case. Taking into account the facts mentioned earlier, the most probable continuation of the fragmentation-consolidation issue at the local level in the SR is a gradual development of JMOs, and the eventual establishment of a new tier of local government within a frame of JMOs. On the other hand, the other possibilities are still open too, and as previous political development has showed us, it will also depend on central governments' priorities and preferences.

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