



# Must Brussels's communes be merged ? The experiences of Antwerp, Berlin and Vienna

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# Preface

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On the one hand, more competences must be exercised at the regional level of Brussels Capital. On the other, there must remain a level of political participation closer to the citizens. On these propositions, there is today a broad consensus. There are, however, fundamentally two distinct ways of reconciling these two demands. One consists in transferring to the Region a number of competences currently exercised by the communes, while keeping these as they are or even increasing their number. The other consists in merging all nineteen existing communes into a single one coinciding with the Region, while simultaneously creating, on the pattern of Paris or Antwerp, a number of districts whose borders may or may not coincide with those of today's communes.

During the great debate on Brussels organized at Bozar on the 6<sup>th</sup> of May 2013 by the dailies *Le Soir* and *De Standaard*, the Flemish Minister and Brusseler Pascal Smet made a fiery plea in favour of the latter option, while Olivier Deleuze and Didier Gosuin pleaded vigorously in favour of the former. Both Deleuze and Gosuin are mayors of Brussels communes, while Smet has little chance of ever being elected into that job. These facts may well help explain their positions. But this is no reason to dismiss their respective arguments, nor indeed any other argument that can help us work out an intelligent view on this important aspect of the governance of Brussels.

For this purpose, it is essential not to get locked up in useless quarrels about the alleged mess of the 19 “baronies”. There are, after all, only 19 mayors for well over 1 million Brusselers, while there are 49 per million of Flemings and 74 per million of Walloons. The problem is not that there are too many mayors in Brussels. It is rather that their communes are so highly interdependent that a number of competences that can happily be left decentralised in rural communes can only be exercised efficiently in the Brussels agglomeration if they are exercised jointly.

This is why it is useful to learn from experience in other cities, starting with the Belgian city which is size-wise most comparable to Brussels. Two of the contributions to this volume offer critical discussions of the way in which Antwerp has been living with its large commune merged in 1983 and its nine districts in operation since 2000. But in some respects the experience of foreign cities which, like Brussels, are both capital cities and components of a federation, is even more relevant. This is why the other two contributions to this volume are devoted, respectively, to Berlin and Vienna.

The functioning of the municipality of Vienna, in particular, deserves the Brusselers' attention. Vienna has a population 50% larger than that of Brussels and a territory that is two and a half times bigger. It consists of 23 *Gemeindebezirke* with very unequal populations and territories, owing to old and tough historical boundaries between formerly distinct municipalities. As regards population, their average size (73.000 inhabitants) is close to that of Brussels' communes (61.000 inhabitants) — to be compared to the 55.000 of Antwerp's districts, to the 112.000 of Paris's *arrondissements* or to the 289.000 of Berlin's *Bezirke* —, but their competences are far more modest. Vienna, moreover, has

the reputation of being well managed. This fact is certainly not a sufficient reason to want to transpose its structures to Brussels. But in contrast to the litany about the “baronies”, a critical reflection on the experience of Vienna — and indeed on those of Antwerp or Berlin — is a useful ingredient in a serene and uninhibited discussion on the indispensable reform of Brussels’ institutions.

On this subject just as on so many others, this is the sort of discussion that the Re-Bel initiative aims to foster through its e-books and public events. This thirteenth e-book is the first one to be published simultaneously in three languages. While English has become today the best choice for the sake of facilitating dialogue across our linguistic border as well as associating foreign colleagues and the Brussels-based international community, the use of Dutch and French remains indispensable if our initiative is to have a good chance of reaching, with the help of Dutch- and French-medium medias, more than a small circle of highly motivated people. Our warm thanks to authors and translators for the additional effort which made this trilingual publication possible.

Paul De Grauwe & Philippe Van Parijs  
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# Lead Piece

# Small is beautiful ?

## Lessons from a decade of decentralisation in Antwerp

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### Abstract

This discussion paper analyses the intra-municipal decentralisation process in Antwerp and evaluates the working of the districts, since their first direct election in 2000. Although scientific evidence is relatively limited and we often had to make judgements through a glass darkly, we nevertheless build on a number of important indicators to conclude that districts did not fulfil the expectations of increasing democracy and efficiency, set out by their initiators. They did not seem to bring politics closer to citizens, or citizens closer to politics for that matter. The competences of the districts are few and largely advisory. However, coordination issues as well as spillover effects limit the prospects for further decentralisation. We attribute this relative failure in part to the misfit between the district boundaries and the socio-demographic fabric of the city. We also believe that the creation of districts is an institutional and rigid answer to the dynamic and fluid problem of political alienation. We therefore argue that direct participation, neighbourhood-based as well as project-based, may be an attractive alternative to districts. The ideal would be to have strong neighbourhoods in a strong city.

The question what Brussels could learn from Antwerp needs to be answered cautiously, as the context is partially different. Brussels has for instance a larger scale and a more complex political landscape. Yet, to the best of our knowledge, two points come to mind. First, it seems that if anything, the strengthening of the city government at the level of the region of Brussels should be considered. Antwerp, but also Ghent, benefited a lot from a strong city government that could govern at a scale that mostly coincides with the sociological city. Although we do not think the districts have been a great success in the Antwerp context, it could be a step forward for Brussels governance to reform the current 19 Brussels communes in the direction of the Antwerp district model. In the Brussels context this would imply an important strengthening of the city government at the regional level, while not entirely dismissing the local dimension that still seems crucial to Brussels politics at the moment. But secondly, Brussels could also simultaneously look at the participatory approaches that connect citizens with policy and politics beyond elections. Instead of decentralising, Ghent chose to organise

participation in neighbourhoods using city staff with direct access to power in the city. The aim should be to combine the best of both worlds; political decisiveness through representation and accountability at a level that is relevant for policies (i.e. the sociological city), and involvement of citizens at a level that is relevant for citizens as users of the city (i.e. the neighbourhood).

## Introduction

Few informed observers would disagree with the fact that city of Antwerp has witnessed some important improvements in the past years. This comes to a good extent to the credit of the city governance, which combined higher professionalism with appealing projects of city development such as a new museum (the MAS), a large park (Park Spoor Noord) and the surroundings of the central station. Also the new mayor of Antwerp, Bart De Wever, explicitly pointed to the merits of the previous government in running the city. Antwerp (but also Ghent) is a case in point of the positive effects that can follow from a strong city government with a proactive attitude of politicians.

A decade ago, the city of Antwerp also introduced districts that took over some of the competences of the city. Yet, few evaluations of that enterprise have been made. Starting from the history of the decentralisation process in Antwerp, we subsequently ask whether the districts fulfil the expectations that were set out by their initiators in the past. Did the creation of a directly elected political tier within the city bring politics closer to citizens? We also ask whether decentralisation of (some) competences to the districts, has improved effective governance. Whether there are coordination issues or spillover effects. We further look at alternatives for districts, and pay particular attention to the approach of Ghent. Although we would like to leave it to the reader to draw parallels between Brussels and Antwerp, we conclude by giving some tentative suggestions.

## The history of decentralisation in Antwerp

On March 11th 1997, the Belgian senate approved a reform of article 41 of the Belgian constitution, enabling so-called ‘intra-municipal decentralisation’ (‘binnengemeentelijke decentralisatie’). From then on, municipalities with a minimum of 100 000 inhabitants could take the initiative to install ‘intra-municipal decentralised organs’, composed of directly elected members. Subsequently, other relevant national and regional laws (including a transfer of competence to the regions) were changed to take away the further obstacles for decentralisation and to determine the exact functioning of the decentralised organs, which were given the name of ‘districts’.

The only Belgian municipality that has used this possibility up to this day is the city of Antwerp. The other Flemish cities of more than 100 000 inhabitants (Ghent and Bruges) have shown no interest and the Walloon and Brussels region have not even taken the initiative to adopt the necessary regional legislation to pursue intra-municipal decentralisation. This is not surprising, as the constitutional reform and the whole legislative procedure in the national and regional parliament were carried through exclusively on the demand of Antwerp representatives, to respond to an Antwerp ‘issue’.



## The proto-decentralisation

This issue had existed since (at least) January 1st 1983. This is when the merger of Antwerp with the surrounding municipalities of Deurne, Berchem, Borgerhout, Merksem, Wilrijk, Hoboken and (almost all of) Ekeren was ultimately enacted. In fact, the rest of the major merger of municipalities in Belgium (from 2359 to 596) had been carried through six years earlier, but the complexity of the operation in Antwerp resulted in postponement of 6 years (Van Assche & Buts, 2004: 38). The new municipality of Antwerp ultimately became the largest in Belgium, with 490.524 inhabitants (Bertels et al, 2011: 50-51).

The delay in the execution can be seen as symbolic for how the fusion was perceived among at least part of Antwerp's political class. During the first meeting of the new city council of 'Greater-Antwerp' in January 1983, concerns were voiced that the operation was democratically questionable, as it would make the distance between the City Hall and the inhabitants of the city too large. However, criticism on the new scale of governance also concerned the fact that the new merged city did still not cover the entire socio-economic agglomeration and was still not economically and financially sustainable (Van Assche & Buts, 2004: 40). While the fusion had in part made the city financially healthier, this had not sufficed to solve Antwerp's fundamental financial problems, aggravated by the economic crisis of the 1980's (Beyen et al, 2011: 102). As mayor Bob Cools summarized it: Antwerp was too large for the small and too small for the large.

This double concern would remain present in the Antwerp (de)centralisation debate for years to come (Van Assche & Buts: 40). Clearly, however, the first concern was much more coherently and quickly met with political action. Right from the start in 1983, a number of decisions limited the scope of the fusion so as to conserve the 'individuality and visibility' of the previously independent municipalities. Nine districts with their own councils were created, which had as official goals to keep contact with citizens and local organisations, thus also compensating for the fact that districts were not represented proportionally in the city council. They got their seat in the old town halls, where as much as possible of the services to citizens were located. While this could be seen as recognising the separate identity of the former peripheral municipalities, it could also be interpreted as a way to bring the City to these municipalities and thus reinforcing their unity with the city (Beyen et al, 2011: 101). Another role that was ascribed to the district councils was that of an 'antenna', a signalling function for the city hall to know which were the issues and concerns in the districts (Van Assche & Buts: 44).

However, Antwerp could not give the district councils any decision power, since article 41 of the Constitution stipulated that it was not possible to delegate the full competence of the council for issues of municipal interest. The district councils therefore became mere advisory bodies for a number of restricted matters. As they had no instruments to ensure that their advices would be taken seriously, this was often not the case in practice (Van Assche & Buts: 41-44).

The district councils could also not be elected directly. They were therefore largely composed on the basis of the number of votes a party had gained in the municipal elections, based on the Imperiali system (favouring larger parties) which is also used for municipal elections. The district councils were

composed by the political groups in the City Council which all proposed their own candidates and could also replace 'their' councillors at any moment. Next to these 'real members', every political group in the municipal council also appointed one extra city councillor per district that had to represent the group in the district council, officially so as to assure the exchange of information between the municipal and district councils. In other words, the composition of the district councils was largely controlled by the political parties at the city level. The district councils appointed a 'bureau', composed of a president and two vice-presidents that had to belong to a different party (in 1993 a third vice-president would be added).

The functioning of the districts was quickly met with generalised discontent. Qualitative interviews with aldermen, as well in the city as in the districts showed that this was due to a number of factors (Van Assche & Buts, 2004: 45). There was the lack of relevance, due to the dependence on the city: the district councils only had advisory power and their advices were generally not taken into account by the city college (despite promises of the opposite). The city also did not ask for advice. There was also the lack of legitimacy among politicians as well as the population because the political parties appointed the councillors and the composition of the district councils did not reflect the specific election results in the district but only those of the city as a whole.

This negative evaluation fuelled projects of further decentralisation, which were addressed by the new coalition that came into power after the elections of 1994. However, other factors were also at play. In 1994 the extreme right Vlaams Blok became the largest party at the municipal elections with some 28% of the votes. In those days, one of the dominant analyses attributed the success of the extreme right in part to a gap between citizens and politics, leading to an 'anti-political' vote. Specifically in Antwerp, decentralisation was seen by a number of politicians as a way to make the distance smaller between the people living in Antwerp and those governing them. Stopping the rise of the extreme right had also been one of the arguments used by Flemish minister Kelchtermans in 1993, when Antwerp decentralisation was for the first time officially mentioned as an option on a higher governance level.

The success of the Vlaams Blok also had an indirect effect on the new city college's viewpoint on decentralisation. Due to the success of the Vlaams Blok, a coalition of five parties was needed, including the Greens who had always been a strong defendant of decentralisation. Since the fusion of 1983, they had referred to 'Greater-Antwerp' as 'Far-too-great-Antwerp'. In addition, the Liberals also pleaded for decentralisation and the Christian-democrats had already been in favour much longer. An element, which also played a role, is that parties that were electorally less strong on the city level, but stronger in some districts also favoured decentralisation out of partisan interests.

The 1994 coalition decided that it would very actively advocate a legal framework on the national and regional level to permit actual decentralisation. But in the meantime, it already tried to attribute a number of competences and financial means to the districts, whose decisions would then still have to be voted by the community council. However, in practice this initiative became more of an administrative deconcentration as the legal framework did not permit much more. The district

bureaus became competent to draft a policy note and a note listing priorities. The number of district councillors was raised and city councillors could no longer be appointed.

Besides district formation, the new coalition also announced a debate on 'region formation', referring to closer collaboration with the surrounding municipalities of Antwerp. However, this part of the Antwerp governance debate would not really be addressed, due to lack of political unanimity on the issue: parties that were strongly represented in the peripheral municipalities of Antwerp, such as the Christian-democrats, had always voiced the reluctance of these municipalities. Although the political consensus on the decentralisation debate seemed to be much greater than the region formation, the actual support for district formation should not be exaggerated.

The fact that top politicians of all parties had agreed to make this a priority can somewhat paradoxically also be explained by the fact that the general impression – also among those less favourable to decentralisation – was that the chances of Antwerp being able to get all the necessary legislative work done - including an institutional reform, in the course of one legislature – were very limited. In that sense, it was pretty harmless to call for it. But things would turn out differently.

### **The road to actual intra-municipal decentralisation**

The national legislative procedure was quickly started up, most notably by a proposition for constitutional reform, introduced by five Antwerp senators (one per party in the Antwerp coalition). It happened that the article that had to be revised had been opened for revision by the previous federal government. The headquarters of the Flemish parties had to be convinced, as well as the francophone parties, who saw no real interest in this constitutional change. However, with five parties behind the proposition, as a result of the multi-coloured Antwerp coalition, all necessary national political networks could be activated. It also helped that the senate had just been reformed into a reflection chamber and was looking for material to reflect on (Van Assche & Buts, 2004: 57).

The argumentation used in the complementary documents of the proposed legislation mostly referred to the democratic deficit after the fusion: the distance between citizens and those who govern them allegedly became too large, the transfer of information and the detection of problems and needs diminished and participation of the citizens was lacking. Decentralisation within larger cities was put forward as the answer. More precisely, the constitutional amendment proposed to reform article 41 of the constitution, by inscribing that 'intra-municipal territorial institutions could deal with 'matters of municipal interest'. National and regional laws – with two-thirds majorities – would further have to elaborate the competences, working and election of these institutions. During the course of debates a number of elements were added to the article 41 reform proposal: the direct election of the new organs, the fact that the community council had to take the initiative and that this type of decentralisation was only possible in municipalities of more than 100 000 inhabitants.

Already in March 1997, the senate approved the constitutional reform. The rest of the legislative procedure (including a delegation of competence to the regions through a special majority law and changes to the municipal law, electoral laws and regional laws) also went quite quickly, the last hurdle being taken on June 30th 1999 with the publication of the Flemish regional laws in the Belgian Monitor. During the course of the national legislative procedure a number of important decisions were taken. The decentralised organs were officially called districts (referring to the legislation on the civil registry). Regional laws activated this national legislation.

There was still some criticism in the Flemish parliament however. Surprisingly, one of the previous advocates of decentralisation in the Antwerp city council, the Liberal Ward Beysen, pleaded against, on the basis of arguments such as that the fusion in Antwerp may have been difficult but had now been accepted, the old municipal frontiers that would be used were out of date, non-Antwerp representatives would just vote the reform without knowledge of the local situation, deconcentration of services would be a better option, decentralisation went against the necessary scale enlargement that should be achieved through the creation of a larger metropolitan area, it hampered the unity of governance in the city and (somewhat surprisingly) that the extreme right might be able to get into power in one of the districts. In the end, the regional law was voted with unanimity, except for three abstentions.

Following the national and regional legislation, the Antwerp city council enabled decentralisation in December 1999. The official goals that were formulated mostly concerned democracy (by having more councillors the contact with citizens can be repaired, the participation and dialogue of citizens can be improved) and efficiency (improvement of direct and indirect service ('dienstverlening') and subsidiarity through the realisation of local interests). During the debates and through interviews with politicians that had worked on the decentralisation issue a number of other motivations for decentralisation came to light. One of them is the relation between politics and civil service: it would enable a larger control on the civil service and reinforce local decision-making through replacing civil servants by politicians as decision-makers on local issues. Many within the administration were therefore not very enthusiastic about decentralisation (Van Assche & Buts, 2004: 55-56). Some latent goals, according to some, were to provide in jobs for politicians who did not get elected, or who were not trusted with higher impact positions by the political parties.

What clearly also played a role was the position of the extreme right. By bringing politics closer to citizens, it was argued, the Vlaams Blok could be stopped. Yet, the Vlaams Blok was very much in favour of decentralisation because it saw a possibility to gain a majority in districts where it was particularly strong. This was in turn also something that worried the majority parties, which was one of the reasons to keep the number of competences of the districts fairly limited. Other reasons for this were scepticism about whether enough qualified political personnel could be found as well as the concern to not generate too many extra costs.

## Antwerp decentralisation: how it works

On October 8th 2000, simultaneously with the municipal and provincial elections, Antwerp held direct district elections for the first time. 211 district councillors were elected in the nine districts of which 43 become district college members. Table 1 summarizes the most important characteristics of Antwerp's nine districts.

As foreseen in national and regional legislation, the number of district councillors is established at two thirds of the number of municipality councillors that a municipality with as many inhabitants as the district would have. District councillors cannot combine their mandate with a seat in the community council. Somewhat surprisingly, the electoral system used for the district elections is not Imperiali – which is used for the municipalities – but the more proportional D'Hondt system. Out of the district council, a district college with a district president is composed: the number of college members is maximum two thirds of the number of college members that a municipality with as many inhabitants as the district would have, but with a maximum of five.

The legislation left the determination of the competences of the districts to the municipalities. The division of competences could differ per municipality, but not per district within one municipality. An exception is the competence on civil registry 'burgerlijke stand' which was automatically and entirely attributed to the districts by national legislation. A number of competences were also explicitly excluded as potential district competences: municipal budget, taxes, personnel and police tasks. Other competences can be devolved (but also reattributed) by the city council, college or the mayor. In Antwerp, the districts have a number of autonomous decision-making competences. However, these are all shared competences with the city, as the districts are only competent for the district elements. These include public domain, culture, festivities and events, markets, youth, elderly, sports, organisations, traffic, communication, neighbourhood participation ('wijkoverleg') and security policy. Next to these decision-making competences, districts also have advisory competences, concerning all matters that are related to the district, and initiation competences resulting in the possibility to add district competence related issues to the agenda of the city council.

The functioning of the Antwerp district councils and colleges is very similar to that of the municipal council and college. The districts entirely rely on the city administration for the execution of their policies. There is however a number of deconcentrated civil servants, who operate under the district secretary. The city secretary, who also remains the head of the city personnel that works in the districts, appoints the district secretary. The city departments and agencies can be considered as service centres that deliver products and services to the districts. The financial means of the districts come from a city dotation. For specific public works they can also use the 'district development fund' of the city and they also receive some cultural subsidies from the Flemish community. As districts are not incorporated, they cannot take any loans (De Herdt & Voets: 61-70).

Table 1: Antwerp districts: inhabitants, surface, council members and personnel

District	Number of inhabitants (1/1/2011)	Surface (in km <sup>2</sup> )	Number of council members	Personnel (in full time equivalents) 2009
Antwerp	182 492	87,30	33	158
Deurne	73 758	13,06	27	64
Borgerhout	44 080	3,93	25	51
Merksem	41 548	8,28	25	51,27
Berchem	41 806	5,79	23	35
Wilrijk	39 133	13,61	23	64
Hoboken	36 244	10,67	21	43
Ekeren	22 592	8,07	19	28
BeZaLi	9 791	52,66	14	15

### The debate continues ...

In the years following the installation of the empowered districts, debate and also frustration on their functioning remained. Complaints concerned the distribution of competences between city and districts which was not always clear and coherent, lacking financial means and personnel, long and complicated procedures, personnel that could not be directed from the districts, slow and inadequate response to advice and demands from the city and its administration. Often, the scale of the districts was also subject to criticism: particularly the districts of Antwerp (150 000 inhabitants) and Deurne (70 000 inhabitants) were said to be too large (Van Assche & Buts, 2004: 59).

The so-called political Visa-crisis in 2003, which brought to light a number of organisational problems in the city and its administration, was a reason for the district presidents to reinforce their demands for more power. The district of Ekeren even wanted to become an independent municipality again. However, as from 2003 when the new coalition headed by Patrick Janssens came into power, focus was put more strongly on a more efficient organisation of the city services and a strong re-organisation, modernisation and depolitisation of the administration. Janssens did not believe in more decentralisation, as this could in his view harm the possibilities of the city to develop new projects. The N-VA of Bart De Wever, which won the 2012 elections, had strongly advocated more decentralisation in the campaign. However, the new coalition that came into power in 2013 clearly does not intend to change much to the current situation. The districts will receive somewhat more means, but they will no longer have the competence to draft circulation plans for local traffic. According to the government agreement, other transfers of competences will be 'studied'. Just like in the past, it seems that parties' position on decentralisation also depends on whether this could lead to diminishment or extension of their political power (Sinardet, 2010).

Party political dynamics can also more generally contribute to explain why autonomy of the districts has been even more limited in practice than in theory. While in some cases the district elections lead to substantially different election results per district, coalition formation generally remained directed

from the party headquarters to create congruent coalitions with the city level. This is what happened after the three direct elections so far, in 2000, 2006 and 2012. Nevertheless, a number of incidents occurred. During the 2000-2006 legislature, the already very narrow coalition in Deurne lost its majority due to councillors leaving their political group. In 2006, it was not possible to form a coalition in Hoboken without either the extreme right or the extreme left, which had as a consequence that a minority coalition was installed, receiving support from the radical left opposition (PVDA). In 2012, the attempt to reflect as much as possible the right wing coalition of Flemish nationalists, Christian-democrats and liberals in all districts – through a deal made between these parties at city level to exclude the socialists (SP.A) – failed in a few districts, of which Borgerhout is the most prominent as it saw the instalment of a left wing coalition of socialists, greens and the radical left (together with an independent councillor that was elected on the Christian-democratic list). This is the first extreme example of party incongruence between city and district – with not one party overlapping. Moreover, the coalitions are also each others ideological counterparts. The relations between the city of Antwerp and the district of Borgerhout will therefore become an important test for the Antwerp decentralisation model. The Borgerhout coalition is said to also have played a part in the decision of the new city council to not extend the competences of the districts.

## Evaluation

### The criteria

Before we set to the task of evaluating the districts, we discuss the evaluation criteria we use as well as our view on governance. Few would disagree that governance today is rather complex, and in Belgium/Flanders probably even more so. This is the case for citizens, who have to vote for the district, the city government, the province, the region, the federal government and the European Union. It is also complex for policy makers. When a local alderman wants to do something about homeless drug addicts causing trouble at a city square, (s)he has to combine forces of the local police to make arrests and patrol the streets, with the federal police to track down drug lines, with the public prosecutor (federal) to press charges, with the social welfare agencies and non-profits (largely local) to remedy drug addiction, with social economy (local, but regionally regulated) to develop job-skills, with the housing corporations and social rental agencies (largely regionally regulated) to find permanent residence, and with private developers to create a social mix in housing. If (s)he wants to renew the public domain at the square, she has to cooperate with the district. Probably some European subsidies can be obtained as well.

In response to complexity, governments search for better governance arrangements. The standard repertoire of administrative policies is institutional. Reformers seek structural solutions by creating new organisations, by setting up formal coordination committees and by pressing for increasingly more regulation. One of the holy grails of institutional reformers is homogenous competence for tiers of government. The idea is to establish once and for all what tier of government is best fit to develop particular policies. In practice, institutional reforms seldom reduce complexity. In the early 2000s, an

effort in Flanders to determine core tasks for the regional, provincial and local governments largely stranded in a trench war between the three levels. At the federal-regional level, homogenous competences are equally hard to determine. After the sixth reform of the state (2011), the Flemish administration drafted a document with the steps to be taken when competences will be transferred to the regions (Diensten Algemeen Regeringsbeleid, 2011). The 547 pages in annex are recommended reading for those who believe that reforming a state is only about political courage. Policy implementation time after time proves to be thornier than envisaged at the reformers drawing table.

With the concept of multilevel governance, academics proposed an alternative solution to this situation of dispersed authority (L. Hooghe & Marks, 2001). Rather than being stuck in rigid institutions and institutional reform, actors need to be able to navigate through the levels of government. It is a system of continuous negotiation among nested governments in policy networks. Rather than to engage in institutional discussions on the division of competences over tiers of government, or to create new institutions and organisations, proponents of multilevel governments would suggest building capacity for networking and cooperation across governments. The idea is to cope with, rather than to combat complexity. Yet, some also warn for the great expectations that the idea of multilevel governance generates. Guy Peters and Jon Pierre argue that democratic safeguards are guaranteed by traditional institutions such as parliaments, governments, elections and not through fast changing processes of negotiation (Peters & Pierre, 2004). Even in a multi-level world, strong forums for democratic accountability and for protection against arbitrariness are needed.

From this discussion, we take to our assessment of the Antwerp districts that we should not overestimate the potential of institutional solutions to reduce complexity and increase effectiveness of policy implementation. Yet, we also learn that strong institutions are needed as a backbone for democratic governance. In the following sections, we discuss whether the districts in Antwerp have contributed to more effective governance. Whether Antwerp is better able to deal with complex policy challenges. Next, we discuss whether Antwerp districts are a relevant institution for democratic governance.

### *Are districts needed for more effective governance?*

There is not much research on the effectiveness of decentralisation. We thus have to base our arguments on few studies and indirect observations. With those data limitations in mind, our general argument would be that districts did not contribute to more effective governance in Antwerp. The substantial, and widely acknowledged improvements in governance of the city of Antwerp were largely due to the professionalization and strengthening of the city government a decade ago, supported by an increased funding of the cities of the Flemish City Fund (Stedenfonds) as well as the federal policy for large cities (federaal grootstedenbeleid).

Inner-city decentralisation in Antwerp is faced with looming coordination issues. Districts for instance have an advisory role in the design of the public domain; local streets, playgrounds, parks, etc. Yet, the



policy for the city of Antwerp is to have a uniform streetscape. The purpose is to make the streets readable for users. Most of the districts seem to follow these guidelines. Hence, all new cycling tracks in Antwerp are red, which also helps children to use them. Very sensible, but this demand for coordination allows for little room for a district to leave its mark. And indeed, few would argue that you should be able to know the district from the colours of the cycling tracks. Similarly, parks and playgrounds need to be maintained by the parks department of the city. Some uniformity across the city is probably useful in order to use equipment efficiently. Another coordination case is the plan of the mayor-to-come to work with the concept of spatial safety. It holds that the design of the public domain can discourage crime and encourage feelings of safety. If this concept will be implemented, new city guidelines will need to be imposed. A final example is the traffic circulation plans at the neighbourhood level. The districts have to draft these plans, but the plans need to fit with the traffic circulation plan of the city. The citywide plan in turn is subdivided into plans for eight zones. Those zones only very partially coincide with the district boundaries. Several districts are thus responsible for drafting neighbourhood plans within one zone. It seems that policy coordination in this case is mainly achieved by contracting out the neighbourhood planning to the same engineering firm that drafted the city plans. Again, where is the leverage for district policies? Overall, it seems that coordination issues are potentially there, but that they do not materialise because the competences of districts to make their own policies are relatively weak.

Coordination issues are further aggravated by the mismatch between district boundaries and the morphology of the city – the urban fabric. The boundaries of the districts are based on the municipalities that existed before the 1976 merger. The growth of the city in the 20<sup>th</sup> century has effaced the open spaces between pre-merger municipalities. Open spaces that served as structural boundaries between former villages such as Deurne, Wilrijk and Hoboken. Mainly in the interbellum, the city has engulfed previously rural communities and integrated them into the city. The construction of new highway infrastructure in the 1960s has created new physical boundaries. The highways have carved out new cleavages across the city and have created new barriers that are difficult to negotiate. These new barriers have thus rearranged the city fabric and therefore also the ways in which people use and experience the city.

The post 1960s division of city quarters does not follow the district boundaries. In many instances, the administrative boundaries of the districts only partially coincide with socio-economic fabric of the city. A virtual Berlin wall of a 2x4 beltway (R1) separates the districts of Berchem and Borgerhout. In the local elections of 2012, some observers argued that the R1 also marks an electoral border, with a more leftist city centre and more rightist neighbourhoods in the periphery. Inhabitants of Antwerp speak of Berchem and Borgerhout intra and extra muros, since the Antwerp ring road replaced the city fortifications built by Brialmont in the 1870s. The most striking example however is Deurne where a highway (E313), a large park (Rivierenhof) and a secondary traffic artery (N116) separate north from south. The southern part of Deurne is highly integrated with parts of Berchem and Borgerhout extra muros. It should be noted that not all districts are that fragmented. The districts of Ekeren and Merksem are more homogenous, as well as the polder villages of Berendrecht, Zandvliet and Lillo.

Similarly but to a lesser extent, Hoboken and Wilrijk in the south are also fragmented. These more homogenous districts account for roughly 150 000 of the 500 000 inhabitants of Antwerp.

A second issue is the division of competences. The city is running the swimming pools and the sports halls, while the districts are doing sports promotion. The districts are amongst others providing subsidies for sport clubs, but the city is providing subsidies as well. The same goes for cultural subsidies, provided by the city and the districts. Districts, or the city for that matter, have no homogeneous competences. Those in favour of districts are arguing that precisely more homogeneity in competences would increase effectiveness of the districts. Mainly person-bound competences such as cultural, sports and youth policies come into the picture. Yet, experiences at other tiers of government learn that this homogeneity is very difficult to reach.

Coordination issues and the division of competences are mainly felt in the city administration. It should hence not come as a surprise that civil servants of the city have a significantly more negative perception of the districts than city politicians, district politicians and district civil servants (De Herdt & Voets, 2011). Only 18% of city civil servants believe that more competences for districts are a good idea. Roughly 40% of city politicians and 50% of district civil servants are for more competences. District politicians (85%) are almost all in favour of stronger districts.

A third problem with decentralisation are spillover effects. Citizens from other districts cannot be excluded from most of the services a district would provide nor can they be asked to pay for the services through higher taxes or retributions. The city provides a dotation for districts proportionate to the number of inhabitants. When districts specialise - say one district has a state-of-the art cultural centre and another a top-notch sports infrastructure – than it seems plausible that citizens will take the best from every district. A concrete example: which district would have to provide (and would have to pay for) an Olympic swimming pool? This could lead to an upward pressure on the quality, but also the costs of service delivery. Moreover, if the whole city uses services of a particular district, why should it be a district competence?

The competences of the districts in Antwerp are all in all rather limited and hence, the impact on effective policymaking and implementation seems also largely absent. For many territorial competences, the need for coordination seems to be the reason why decentralisation has not taken place, while for person-bound services, potential spillovers could hamper further decentralisation. Spillover and coordination issues are not found in the support for local socio-cultural associations and neighbourhood initiatives – a task which many district politicians claim to take to heart. Studies tell us that precisely those citizens active in all kinds of socio-cultural associations seek contact with district politicians for reaching the city government (De Herdt & Voets, 2011). Statements of district politicians suggest that they are inclined to listen. This seems to be the essence of the policy role of the district: to give the district organisations a stronger voice at the city level. But can't this voice be heard otherwise?

### *Are districts of democratic relevance?*

The main purpose of the districts has never been to improve policy implementation. The main purpose of installing an elected district level was to bring politics closer to the citizens. This in turn was expected to strengthen local democracy. Again, research evidence is not abundant, but we do have some clues on whether the districts fulfilled the promise of governance that is 'closer to the citizens' and hence more democratic.

Did district politics bring politics closer to citizens? Peter Thijssen (2007) studied the proximity of district politicians based on three electoral indicators of the 2006 election. First, he expected that if district politicians stand closer to citizens, there would be fewer blank votes in the district election compared to the city election. This was not the case. On the contrary, the district lists accumulated more blank votes compared to the city. Secondly, based on the same rationale of proximity, he expected that the number of list votes would be fewer in the districts and the number of preferential votes to be higher. Again, the opposite was true. Thirdly, Thijssen proposed that pronounced differences between the electoral results of the city and the district could theoretically be an indication of an electoral arena in the district. This appeared to be the case. Voters voted for different parties on the city and district list. This effect is however not attributed to the district dynamics. Thijssen argues that the difference mostly reflects changes in the logic of the city elections. In 2006, the city elections were 'presidential', with a strong antagonism between two candidacies for mayor: the incumbent socialist mayor Patrick Janssens and the extreme-right leader Filip Dewinter. While many voters voted strategically at the city level, the district elections were used to vote for their preferred political party. The 2006 findings are further corroborated by a study in the district of Deurne demonstrating that the names and functions of district politicians are not very well known (Peter Thijssen & Dierckx, 2011). After four years of the legislature, only the name of the president of the district of Deurne is known by more than half of the inhabitants of the district (61,8%), the other members of the district college score between 28% and 7,7%. It should be added that Deurne was one of the more active districts in promoting its own identity. One study would provide some counterevidence. Van Assche and Dierckx (2007) concluded from a survey in three districts that citizens put more trust in their district than in city government. The survey was conducted in 2003 at the height of the so-called visa crisis that led to the dismissal of the city mayor and all the aldermen, which is rather uncommon in Belgium. We suspect that this highly mediatized crisis rather than the proximity of the districts was driving the trust levels.

Our overall conclusion is that district politics is not a political arena of significance. During the campaigns, districts are not subject of political contestation. Media, also local media, are mainly concerned with city level politics. In the latest election, the clash between incumbent mayor Patrick Janssens and the Flemish-nationalist leader Bart De Wever added national drama to the city election. Arguably, it was henceforth even more difficult for district politicians to be seen and heard. District elections are second-order elections, subordinated to the municipal level (P. Thijssen, 2007). The same can be said for the provincial and the European elections. Note that we do not argue that there

is no policy relevance for provinces or the EU. We only argue that policy and political relevance sometimes diverge, and that the main political battles are not fought over provinces or the EU.

Why do the districts not function as a genuine political (electoral) level? We propose four explanations. First, districts may not have the right scale. We already discussed the mismatch of administrative boundaries with the socio-economic fabric of the city. Furthermore, the substantial difference in size between districts is remarkable. But maybe most importantly, citizens may not perceive the scale to be significantly different from the scale of the city. The distance between a citizen and its government is not a linear measurement of the number of inhabitants. A council of a town of 50 000 is not necessarily 10 times closer to its citizens than one of a city of 500 000. Perhaps citizens perceive both councils as distant. Possibly, there is a threshold beyond which it is no longer possible to have genuine personal contact with inhabitants. It is almost a truism in governance debates to deny the existence of optimal scales. We follow this argument, but we add that in multi-level settings, differences of scales need to be meaningful for democratic representation to work.

Secondly, the quality and commitment of the political staff of the districts is variable. In fact, the problem of political recruitment for municipal politics is also found at the district level. Recruitment is a general problem in Belgian politics. Marc Hooghe (2004) for instance points to the impact of declining membership of political youth organisations on recruitment. In a commentary in a newspaper, Filip De Rynck – a well-informed observer of local politics in Flanders - puts it more forcefully. He argues that

*“local electoral debates seldom focus on who we actually elect to the local council. Local councillors are irrelevant, unless they want to become mayor or alderman. So, what to do with the local councils? Today already, parties have difficulties with the formation of qualitative election lists. Count the number of sons and daughters. Look how many candidates earn an income in or around the party. Check the number of civil servants on the lists. Parties are turning ever-smaller circles within their own in-group”* (De Rynck, 2012).

Hence, parties do not only have to find 55 candidates for the city lists. They also have to find some 200 candidates for complete district lists. Arguably, the strongest candidates will give priority to the city council, since the main power in the city lies at the city level. The president of the Green party, Wouter Van Besien, for instance decided to give up his position of president of the district in Borgerhout and to run for the city council.

Thirdly, the city of Antwerp did not leave much room for district profiling. The former mayor Patrick Janssens (2003-2012), with a career in advertising, did develop a stringent marketing policy. The policy was successful: the radiant A of the logo and the city’s catchphrase “t stad is van iedereen” (the city belongs to everybody) are widely recognised. The current mayor Bart De Wever already announced that he would not alter this centralist type of communication policy. The strong city marketing however may have overruled efforts by districts to promote a district identity.

Fourth, one could even hypothesize that districts in Antwerp may in some case have a negative effect on the perceived distance between citizens and politics, as due to the overlapping of competences between city and districts, it is not always clear for citizens who is competent for what and the political decision-making procedure might rather become less than more transparent. Moreover, higher expectations about accessibility of local politicians may turn to frustration when a district councillor is contacted about a problem, but can only refer to the city level to solve it (Sinardet, 2010).

We believe that the prospects for district politics to become a democratically significant political arena and for district governments to become a democratic point of reference for citizens are meagre. We doubt whether the institutional solution of creating a new tier of government within the city, was the right answer to the alleged alienation of the citizen from politics. Similar observations have been made in the Netherlands, where the districts (“deelraden”) are put into question in the cities of Amsterdam and Rotterdam as we speak. But what is the alternative?

### Alternatives for districts

The Antwerp districts do not appear to be able to fulfil the promise of a stronger connection of politics and citizens. In our view, the reason lies mainly in the fact that districts are an institutional and static answer to the cultural and dynamic phenomenon of political alienation. Yet, there are alternatives. Cities have the opportunity to engage in citizen participation. Rather than electing another council, citizens and local associations could become involved within neighbourhoods, but also with large projects of city development, with initiatives for specific groups, or with cultural or sports manifestations. Direct participation in policy and politics is hence a complement to representative democracy and not a substitute (Peter Thijssen, Van Dooren, Lanckswaert, & Dierickx, 2010). There is an expanding literature and policy practice on citizen participation that we could cover here by no means. We instead focus on the case of Ghent – with 247000 inhabitants sizeably smaller than Antwerp, but still a well-sized city in Belgium.

Flemish legislation allows for intra-municipal decentralisation in cities with more than 100 000 inhabitants - read Antwerp, Ghent and Bruges. Neither Ghent nor Bruges decided to install districts, while Antwerp did. Yet, the gap between politics and citizens does not seem to be wider in Ghent. On the contrary, trust levels of citizens in the city government are significantly higher. The Flemish city monitor ([www.thuisindestad.be](http://www.thuisindestad.be)) shows that 45,5% of the citizens of Ghent and 40,5% of the citizens of Bruges say to trust the city government<sup>1</sup>, compared to only 24% of the citizens of Antwerp<sup>1</sup>. The electoral success of the incumbent city governments in Bruges and Ghent in the 2012 elections seems to reinforce this image of a trusted city government.

The new mayors of Ghent and Bruges, Daniel Termont and Renaat Landuyt, attribute this success amongst others to their presence in neighbourhoods and streets. In an interview in the news magazine Knack (31.10.2012), Termont also points to the difference in the style with the former mayor

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<sup>1</sup> Percentage of citizens stating that they trust the city government a lot or somewhat – 5 point likert scale.

of Antwerp, which is said to have been more managerial. Yet, both politicians also cast doubts on the transferability of the so-called method Termont. The scale of Antwerp is different, which makes it more difficult for a politician to visit every street, attend a significant number of parties and receptions, and follow up on every complaint that reaches the mayor. Moreover, besides scale, personalities are different and not always up to the task of making the same personal investments successfully.

Hence, it seems that citizens need a strong city government that is recognisable and reachable. Yet, we cannot expect from all politicians to follow the method Termont. Fortuitously, participation does not have to rest entirely on the shoulders of the mayor. In the last decade, Flemish cities engaged significantly in various projects for citizen participation (De Rynck e.a., 2009). Ghent in particular pioneered with area-based participation in 25 neighbourhoods of approximately 18000 inhabitants (Verheirstraeten, 2004). The neighbourhoods are defined based on Spatial Structure plan for Ghent (RSV – Ghent). The city appointed 17 neighbourhood-directors and communicators to support participation in the neighbourhoods, but also to coordinate city policies of sectorial departments within the neighbourhoods. Within the organisational structure, the office for area-based policies was situated directly under the secretary of the city. This position close to city power is important in relations with sectorial departments. In this way, the neighbourhood directors are a direct linking pin between the highest echelons of the city and the neighbourhoods. In addition to area-based participation, specific trajectories are followed when larger projects are planned. Examples are the redevelopment of the railway station and of the old harbour docks.

Antwerp similarly developed area-based neighbourhood policies. Yet, the history is different. In the 1990s, the office for urban neighbourhood consultation (*stedelijk wijkoverleg*) was active in a selection of disadvantaged neighbourhoods. In 2001, together with the districts, the office had to expand its activities to cover the whole territory. For that purpose, the city was divided into 37 neighbourhoods. The borders of the neighbourhoods respected the borders of the districts, even if the sociological structure of a neighbourhood was crossing district borders. Here too, the role of the districts and the city was never clear-cut. The office for neighbourhood consultation remained at the city level, but much of its activities were decentralised to districts. Although the office initially drafted neighbourhood action programmes for 23 neighbourhoods, it quickly had to re-orient its activities towards project-based communication because politicians did not agree with plans being proposed outside of their reach. Unlike Ghent, it seems that Antwerp never wholeheartedly believed in area-based participation in neighbourhoods. At a public lecture in 2003, the coordinator of the office for neighbourhood consultation compared his situation with the position of the American soldiers in Iraq: “we are attacked from all sides, by the city, by the districts and by the administration. Moreover, resistance is stronger than anticipated and we are not greeted by citizens as liberators” (quoted in: (Van Ostaaijen, 2003)).

The model of Ghent is to have strong neighbourhoods (of some 18000 inhabitants) within a strong city. Antwerp also invested with success in a strong city government, but the vision on participation and internal organisation is more diffuse. Some lessons can be drawn from the case of Ghent. First, it shows that strong and genuine participation can be an important complement to representative

democracy. Citizens can be involved in politics in a different way. Secondly, if the outcomes of participation have to be translated to policies, it helps to be close to power. The area-based consultation office in Ghent is close to power. The Antwerp districts can only give an advice to power. Thirdly, urban neighbourhoods should be defined by how people use the city, based on spatial structure, and not based on administrative boundaries. Fourthly, unlike district structure, area-based participation is less institutional and more flexible. Citywide projects as well as projects that encompass different neighbourhoods can be straightforwardly added to the tasks of the participation professionals.

## Brussels?

Caution is needed when drawing lessons for Brussels from Antwerp, as the context is partially different. Brussels has for instance a larger scale and a more complex political landscape, due in part to language politics. However, if anything, it is probably the reinforcement and professionalization of the government at the level of the city of Antwerp what Brussels should consider. Every six years, a visitation committee of experts evaluates the policies of the 13 cities that receive money from the City Fund. In 2005, the committee concludes that Antwerp “has absorbed the crises of het past, and has come out more strongly. In different circumstances, the organisation is getting its act together. The pace is faster than expected and slower than hoped for. Old cultures are disappearing, a new culture is emerging (De Rynck & Tops, 2005, p. 59)”. In 2011, in a report titled ‘a convincing and convinced city government’, the commission claims “to be impressed” by the performance of the city of Antwerp (Visiatiecommissie stedenfonds 2011, z.d.-a, p. 30). The city of Ghent transformed in a similar way. In 2005, the visitation committee concludes that “the city is able to capitalise on the stable and strong leadership, of a professional and committed approach. (De Rynck & Tops, 2005, p. 59)” In 2011, the committee reconfirms this conclusion (Visiatiecommissie stedenfonds 2011, z.d.-b). Remarkably, the reports of both the 2005 and 2011 committees hardly mention the districts, which seems to corroborate our reading of the districts as relative weak players.

If we translate this to Brussels, the proper level for a strong city government is not so much the municipality of Brussels but the Brussels regional government. It therefore seems evident that strengthening of city governance at the level of the region of Brussels should be considered. Keeping in mind that the nineteen municipalities in Brussels have far more competences than the nine districts in Antwerp they can be considered as an obstacle towards more global, integrated governance for the Brussels region, which is the minimum scale that corresponds to the sociological city. However, it must be said that in such a scenario of increased competences, the Brussels regional government should probably be reformed as well to permit stronger city governance.

Although we do not judge that districts have been a great success in the Antwerp context, in the different Brussels context it would be a step forward to reform the current 19 Brussels municipalities in the direction of the Antwerp district model, by transferring a number of competences to the Brussels region. This would imply an important strengthening of the city government, while not entirely

dismissing the local dimensions that for different reasons still seems crucial to Brussels politics at the moment.

Next to this, Brussels should also simultaneously look at the participatory approaches that connect citizens with policy and politics beyond elections. Instead of working in districts, Ghent chose to organise participation in neighbourhoods using city staff with direct access to power in the city. The aim should be to combine the best of both worlds; political decisiveness through representation and accountability at a level that is relevant for policies (i.e. the sociological city), and involvement of citizens at a level that is relevant for citizens as users of the city (i.e. the neighbourhood).

On a final note, an analysis of city governance in Brussels must also look at the broader picture and more specifically at which institutional (or other) response to give to the interaction and integration between Brussels and its hinterland. This is of course also the case for other urban regions in Belgium, such as Antwerp. However, while Antwerp is entirely situated within the Flemish region (which is competent for some important matters touching cities, such as mobility, labour market policy, education, ...), Brussels forms a region of its own and the greater metropolitan area of Brussels thus encompasses three regions (and consequently also three regional public transport companies, three employment agencies, three agencies for foreign trade and investments, and so on). Therefore, when looking at Brussels, one gets the impression that it deals with a more generalised mismatch between the competences of its governance levels and the socio-demographical reality: while a number of the competences of the municipalities should probably better be exercised at the current level of the regional government, a number of the latter's competences should probably be exercised at the level of a metropolitan region that goes beyond the current 19 municipalities. This being said, it is in our view not necessary to wait for a more metropolitan approach to reinforce city governance. A strong city government as a nexus for policy making can also be a prerequisite for good cooperation within a metropolitan region.

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# Comments

# Is small beautiful after all?

## Reply to Wouter Van Doornen & Dave Sinardet

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“Small is beautiful? Lessons from a decade of decentralisation in Antwerp”, is the promising title of Wouter Van Doornen and Dave Sinardet’s interesting and thought-provoking lead piece. Although I agree with much of what the authors have to say regarding Brussels, I do have some reservations with respect to their evaluation of the Antwerp experience.

Let me first say something about Antwerp and from there move on to Brussels. In the first part of their contribution, Van Doornen and Sinardet assess both the governance effectiveness and the democratic relevance of the internal decentralisation in Antwerp, and their conclusion is quite straightforward: the Antwerp district-level would neither contribute to effective government nor would it succeed in bringing politics closer to the citizen and in strengthening local democracy. Both authors concede that there is not much empirical research on both matters and base their arguments mainly on “indirect observations”. For instance, as regards effectiveness, they refer to coordination problems, the lack of homogeneous competences, boundary problems and spill over effects. These issues reflect the standard arguments against the territorial decentralisation or devolution of competences, and some of them are no doubt valid. However, one should not lose sight of the fact that there is also a whole range of arguments in favour of decentralising or devolving powers. It strengthens democracy by increasing the opportunity for citizen involvement in the democratic process. It allows for policy innovation and experimentation and it makes government more responsive. And, last but not least, it is a bar against the concentration and possible abuse of power at one governmental level.

In this last respect, I believe that Van Doornen and Sinardet are perhaps a bit too quick in dismissing the potential political and democratic relevance of the districts in Antwerp. To be sure, I agree with the authors that the districts so far have not functioned as a significant political arena that brought politics much closer to the citizen. There is less media attention for the district-level, the district politicians are less known and their quality is not always outstanding. However, I would argue that this can, at least partly, be explained by the fact that the district-level has – comparatively speaking – been politicised quite recently. The first district elections were held in 2000. What is more, in the two last

elections (2006 and 2012), traditional municipal politics was overshadowed all together by a presidential-type campaign between two opponents with a nation-wide impact.

The presidential nature of the Antwerp city government-elections might be a separate and additional reason for not abolishing the district level. In fact, as a result of the presidential-type campaign the mayor and the majority party receive a very strong mandate, allowing them to dominate political decision-making at city-level for a six years term. Against this background, there may be value in a separate and autonomous political level as a check on a too powerful city government. To conclude, I would argue that although more is to be done to increase the democratic relevance of the districts, they may have added value in a big city as Antwerp.

This brings me to Brussels. Here I agree with what Van Doornen and Sinardet (and other observers such as Deschouwer, Buelens and, more recently, Vuye) suggest. A first observation is that the scale of Brussels is even larger than that of Antwerp. It is rightly argued that a city with the magnitude of Brussels (with more than 1 million inhabitants) requires at least two tiers of government to make responsive government possible. If not Antwerp, cities as Berlin and Vienna are the case in point here. Although one might disagree about the relationship between the two levels and the way competences are best divided between them, it is clear that the central city-government should be competent for those domains where there is a clear need for coordination (for instance security, public transport, traffic circulation, housing) and the district or municipal-government should function as a level close to the citizen and sensitive to the local context (competences may include the support of local organisations, sport and cultural facilities, the civil registry, and advice on all issues relevant to the district).

If we look to Brussels, there are at least two ways to achieve this optimal two-level structure. The first is the most radical one and would involve the merging of the current nineteen municipalities and their subsequent decentralisation in nineteen or more districts. Constitutionally, this would at least require two legislative acts by the Parliament of the Region of Brussels and a subsequent decision by the newly formed city of Brussels. It should be kept in mind that this would require a political consensus between the French and Dutch speaking representatives in the Regional Parliament of Brussels, as there are a number of special majority requirements with regard to this type of legislation. For the time being, this is political fiction.

There is, institutionally speaking, a far less cumbersome route. Contrary to Antwerp, and in spite of the many initiatives and studies in the past, the communities of Brussels were never integrated into one big city. As a result, the current institutional make-up of Brussels reflects the ideal of a two-level structure, with the nineteen communities at the basis and the Brussels regional and community Government at the top. However, as most observers would agree, this two-level structure is far from being an optimal one. I agree with Van Doornen, Sinardet that the city government capacity at the level of the Brussels region or community should be strengthened, and that the distribution of competences between the nineteen municipalities and the central level should be reconsidered so as

to allow more effective government and to tackle the financial problems of the communities and the inequalities between them.

Not only from a political/psychological but also from an institutional perspective, the second option would be a much 'lighter' one. When they act in the field of their own competences, the central bodies in Brussels are constitutionally empowered to qualify – that is to limit – the competences of the municipalities and to take up powers currently exercised at municipal level. Such an action would only be subject to a subsidiarity check by the Constitutional Court. To be sure, there is a limited number of constitutionally entrenched competences for the municipalities. The most important one concerns the organisation of the local police force. Reorganising and further centralising the police would thus require an intervention by the federal Parliament. But all in all, much is possible within the current legal framework. One example of a de facto limitation of the autonomy of the 19 municipalities was the adoption by the government of Brussels of a uniform staff and financial regulation for the employees of the municipalities.

The central institutions in Brussels are not only competent to qualify and limit the autonomy of the municipalities, the Region of Brussels is also competent to legislate on the organisation, the composition and the functioning of the municipal institutions. As result of the devolution of local government to the regions, it is possible that a municipality might come to mean something different in one region than in another region. The current 19 Brussels municipalities might thus be reformed in the direction of the Antwerp districts. Of course, here too there are many political hurdles that must be overcome. Given the overrepresentation of the Dutch-speaking community in the central institutions in Brussels, strengthening these institutions at the expense of the municipalities will be seen as a Flemish victory. Hence, the necessary reorganisation of municipal politics in Brussels is part of the wider debate about the future of the Belgian federation.

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# “Size matters” – comments from Berlin

Maik Martin

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When Wouter Van Doren and Dave Sinardet so lucidly ask whether (very ?) “small is beautiful” in terms of urban governance, I am tempted to argue that „size matters“ - certainly when one takes a closer look at Berlin's structure of governance.

## **A conclusion – right at the beginning**

If you ask any Berliner these days about what he or she thinks about having a two-tier system of governance for Berlin, few would call Berlin's general set-up of a city state made up of districts (Bezirke) with their own administration into question. While some might call for greater powers to be vested in the districts, others are likely to prefer an (even) stronger city government vis-à-vis the district administrations. Yet, few Berliners, if any, would advocate abolition of the lower tier of Berlin's administration. It has been around since Berlin, as we now know it, came into being and it is here to stay. Tinkering at the edges: yes, perhaps – moving to a single tier system or towards a loose, informal local tier of administration: certainly not. The districts form part of many a Berliner's identity and most would wonder, how on Earth a place the size and heterogeneity of Berlin could be run if not on the basis of a formalized multilevel system of governance.

So in this little comment I endeavour to highlight some of the features of the Berlin system and its development, which I hope may help understanding the difference in experience between Antwerp and Berlin with a formal two tier system of governance.

## **Berlin and Antwerp: a different starting point**

Berlin's sheer size, its history as well as its constitutional position in Germany's federal system contribute significantly to the difference in experience between Antwerp and Berlin in relation to multilevel governance. To put it briefly: Berlin's starting point is a radically different one from Antwerp's on several accounts:

First, Berlin's population now stands at about 3.5 million. Each of the city's merged twelve districts now roughly counts 300.000 inhabitants – the size of a reasonably sizeable city of their own. Thus, it is stating the obvious to claim that a conurbation of the size and population of Berlin's inevitably needs a multilevel governance structure to deal with high-level political issues as well as the more mundane trials and tribulations of the day-to-day running of the city in a satisfactory way. In a multi-million city it is a strong lower tier of governance that is likely to deliver citizen-responsive administration, it appears to be the message from Berlin.



Second, and to me as a public lawyer essential in distinguishing Berlin's experience of internal multilevel governance from that of Antwerp's, is Berlin's constitutional status as both a Land of the Federal Republic of Germany and a commune<sup>1</sup>. This constitutional peculiarity Berlin shares in Germany only with significantly smaller Hamburg and, looking beyond the borders, with Vienna. It necessitates that in Berlin legislature and executive have to deal with both the politically more highly charged Land as well as typically municipal issues. A formal two-tier governance structure can easily be regarded as a somewhat natural solution to dealing with these two different sets of issues adequately and in different, democratically legitimised fora. Yet, when taking a closer look at Berlin's system of governance it becomes readily apparent that the division of labour (and of competences and powers) between the city tier of government and the district tier does not necessarily follow the typical distinction between Land and municipal matters: while the former set of matters is, as a rule, firmly reserved to the city tier, it is, by and large, only the latter matters which are distributed between the city and the district tier according to their relative significance and local context.

A third – and perhaps the most crucial reason for Berlin's largely positive experience with formalised multilevel governance is the city's strong two-tier government tradition since the formation of Greater Berlin in 1920. When Greater Berlin was formed by Act of the Prussian Parliament it was an amalgamation or merger of several fiercely proud cities and numerous communes of wildly varying size. Retention of each city's or commune's identity and of more than just a mere residue of powers and competences was part and parcel of the creation of a better governed urban area of Greater Berlin. Since 1920 (except for the years of the Third Reich) a two-tier system of government has become a time-honoured part of the city fabric, strengthened by the constitutional status of a Land upon the foundation of the Federal Republic in 1949. It is thus unsurprising that there have not been any serious attempts at returning to a single-tier system in (West-)Berlin since then. Quite the contrary, relatively recent reforms to the distribution of competences between the city and the districts<sup>2</sup> and a merger of the traditionally 23 districts to twelve districts<sup>3</sup> have only increased the political powers of the districts vis-à-vis the city tier. While debates about a sensible (re-)allocation of competences between the city and the district levels are a political inevitability in any multilevel governance system, the basic principle of multilevel governance model in Berlin is unlikely to be called into question in the foreseeable future.

If I should offer an outlook on the potential development of Berlin's system of governance it is most likely the question of putting a third tier of democratic participation at a very local level on a more formal footing which may gain prominence. What now are relatively informal means of participation and debate below the formal (whole) district level (e.g. at residents' meetings for larger parts of a district or just local neighbourhoods called by the district bodies) which have found their way into the statute book in the 1990s, may become, over time, more powerful vehicles for involving the local populace in the running of their districts.

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<sup>1</sup> Art 1 of the 1995 Constitution of Berlin

<sup>2</sup> Through the new Constitution of Berlin of 1995 and a reform of Berlin's General Competences Act in 1998.

<sup>3</sup> Through a constitutional amendment having come into force on 1 January 2001.

## **A quick glance at Berlin's organs of government**

Before embarking on a functional description of Berlin's two tier system of governance focused at the distribution of powers and competences between the tiers, let me provide you with a quick overview of the main organs of government which are also explained in the chart annexed to this paper.

At the city /Land tier, the Berlin House of Representatives (Abgeordnetenhaus von Berlin) forms the legislative branch of government, composed of at least 130 members who are elected on the basis of proportionate representation for five-year terms. They enjoy full legislative competence for all matters not reserved to the Federal Parliament under the Grundgesetz. The House of Representatives elects the Governing Mayor (Regierender Bürgermeister), Berlin's Land premier, who appoints up to eight ministers (Senatoren) who with him or her form the city/Land government (Senat von Berlin). Each minister heads up his or her own government department (Senatsverwaltung).

Since the 2001, Berlin's 23 districts merged to twelve districts which are purely administrative tiers without a legislative functions in the formal sense. Each district is run by the district board (Bezirksamt) comprising the district mayor (Bezirksbürgermeister) and four district councillors (Bezirksstadträte) which are voted into office by the district assembly (Bezirksverordnetenversammlung). These are made up of 55 members elected on the basis of party lists on the basis of proportionate representation for five-year terms – with elections being held on the same day as the elections to the Berlin House of Representatives. All district mayors regularly meet in the council of district mayors (Rat der Bürgermeister) which has primarily advisory competences vis-à-vis the city government on matters dealt with at city level but which affect the districts.

## **The distribution of competences and powers between the city and district tiers in Berlin**

Let us now take a closer look at the division of labour between the two tiers of Berlin's system of government and start with the basic principle which has been strengthened by changes to Berlin's Constitution and the General Competences Act in the 1990s: a clear-cut allocation of meaningful and unencroachable responsibilities to both the city and district tier. Art 67 of the 1995 Constitution of Berlin and the provisions of the General Competences Act (Allgemeines Zuständigkeitsgesetz) fleshing out the constitutional rule, in principle do not allow for any sharing of competences between the city and district tiers in the administration of Berlin but lay down rules for a clear delineation of administrative competences and responsibilities between the city and the districts.

Under the 1995 Constitution a set of enumerated specific competences are reserved to the Land/city tier on account of their nature and particular significance for a well-ordered public life. The most obvious one of these competences are what are termed “leadership functions” in the Constitution: powers to deal with what would be considered Land matters as opposed to municipal ones in the other German Länder, ie quintessentially highly politically charged matters encompassing dealing with the Federal Government or the governments of the other Länder. Beyond these “leadership functions”, the police, justice and tax collection are areas of the administration of Berlin the Constitution reserves to the city tier.

Outside these reserved areas of city competences, the 1995 Constitution crucially lays down a default rule according to which administrative competences that have not been expressly allocated to the city tier by Acts of the Berlin House of Representatives rest with the districts. Just to name a few, matters of considerable importance such as local planning, licensing and maintenance of subordinate streets are currently the preserve of the districts.

However, the city legislature does not enjoy an unfettered discretion to “zone up” competences to the city tier which, under the default rule, would lie with the districts – far from it. Since the 1998 constitutional amendment the Constitution enshrines a condition which has to be met for a competence to be “zoned up” to the city tier: a power or competence can only be allocated to the city tier by statute where the task in issue necessarily must be dealt with „in immediate governmental responsibility“. By reference to this test, numerous competences have been “zoned up” such as traffic control, maintenance of main thoroughfares and planning for the Federal Government and Parliament buildings. While granting the city legislature a certain margin of appreciation in determining whether the test for “zoning up” a competence actually has been met, Berlin's Constitutional Court ensures proper adherence to the constitutional rule on the allocation of powers and competences. In areas where formal competences do not lie with the districts, the districts nonetheless enjoy an untrammelled advisory competence allowing them to address the city government and other public bodies on issues of local relevance.

Where competences and powers are exercised at district tier, the city government generally only maintains a supervisory regime aimed at ensuring that the districts act within the four corners of the law. Where essential interests of the city as a whole are at risk of significant harm by acts or omissions on the part of a district the city government may even intervene where the district has acted lawfully. However, such supervisory intervention of the city tier in the lawful exercise of powers by a district is, in practice, a somewhat rare occurrence as the city government customarily exercises its supervisory powers with considerable restraint and respect for the districts' primary sphere of action.

Rather interestingly, the constitutional rules on the allocation and delineation of administrative competences only apply to the Land of Berlin as a body corporate but not to bodies corporate established by the Land of Berlin but distinct from it. There is therefore no legal bar preventing the city government and legislature from setting up agencies as bodies corporate in public law and entrusting them with specific tasks and powers which would otherwise be reserved to the districts. On this basis a handful of agencies have been created which are tasked with matters considered to require city-wide coordination and where economies of scale are essential. These agencies, while notionally independent, are controlled by the city government and deal with public transport, waste collection, water provision and running of the municipal baths. It appears worth to note that through this mechanism the provision of essential city-wide services for a well-run community has been taken out of any struggles for powers and competences between the city tier and the districts.

## **Reflection of the division of labour between the two tiers in the institutional make-up of district bodies**

There are certain distinctive features in the composition and general make-up of the Berlin district bodies which, with some justification, can be said to bear out or reflect the division of powers and competences between the city and district tiers sketched out above. As the districts' main competences can be categorised as typically municipal in character – loosely in the sense of addressing primarily local, less party-politically charged issues –, these features pursue a common aim: limiting the party-politicisation at the district tier of administration and thus reducing political competition of the districts with the city tier.

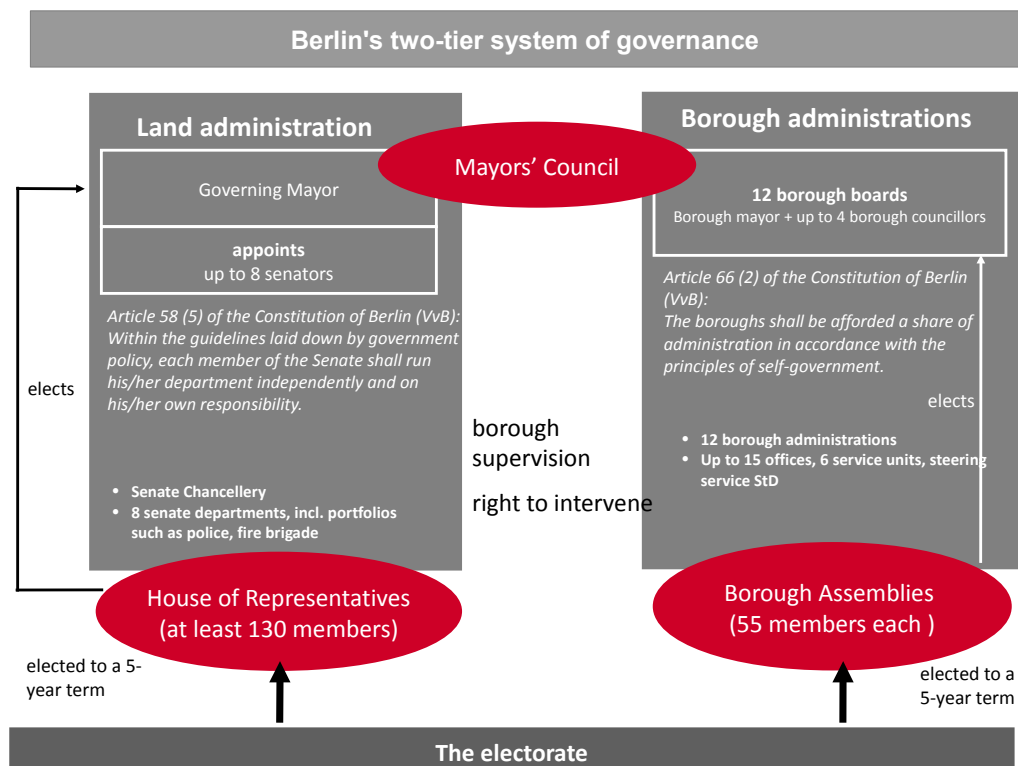
The first and foremost feature of the district bodies furthering this rationale is the constitutional enshrined principle of proportionate representation on the 5-strong district boards of the political parties in the district assemblies. Under the current constitutional dispensation only the head of the district board, the district mayor, may be elected by the district assembly on the basis of an agreement between two or more parties which are not the largest faction on the assembly, thus allowing the assembly to bypass the mayoral candidate of the largest party in the assembly. The other four councillors on the district board, however, are elected on the basis of quota allocated to the parties in the assembly using the D'Hondt calculation. Thus, while district boards may comprise more than one councillor from the same party (depending on that party's showing in the district assembly elections) or no member of smaller parties at all, proportionate representation of assembly parties on the district board ensures that there is not really a proper 'opposition' in the classic meaning of the term between parties in the district assemblies; coalitions and oppositions tend to be formed in relation to individual issues on which the vote of the assembly is sought. This has, by and large, helped to render the day-to-day running of the Berlin districts less confrontational in the party-political sense than would be the case were the district boards composed exclusively of representatives of the largest party in the assembly or a coalition of some of the assembly parties. This characteristic sets the district boards firmly apart in terms of composition from the city government (Senat) which consists of the Governing Mayor elected by absolute majority of the Berlin House of Representatives and members of his or her party (and of a coalition partner where the Mayor's party does not command an absolute majority in the House) appointed by the Mayor.

The merits of this method of rendering district politics less partisan or confrontational are not unquestioned, however. It was only in the late 2000s that plans were abandoned to replace the proportionate model for the composition of the district boards by what came to be called the model of the “political district board”. Under this model, formation of the district boards would have resembled the formation of the city government: the district mayor and all four district councillors being voted in by simple absolute majority vote in the assembly without, in effect by the largest party in the district assembly where it holds an absolute majority in the assembly or by a coalition of parties. The plans to introduce the model of the “political district board” were hotly debated and but eventually shelved for fear of wreaking havoc in the district assemblies.

A second important constitutional rule aimed at retaining a (healthy?) level of de(party)politicisation of district administration requires elections to Berlin's twelve district assemblies to be held always at

the same time and place as those to the Berlin House of Representatives. There are therefore no 'stand-alone' local elections in Berlin. While this also has the beneficial effect of maintaining reasonably high voter turn-out for the district assembly election, the main rationale of holding parallel elections - crudely put - appears to be to deflect attention from the district elections, thus taking district issues out of the limelight in terms of election campaigning. Election campaigning certainly there is for the district assembly elections, yet centre stage is taken by the parties' campaigns for the House of Representatives which dominate the political discourse in the run-up to election day. Unsurprisingly, district politicians therefore boast a significantly lower political profile than their counterparts at city level. This lower profile of district assembly elections corresponds to the somewhat limited competences district assemblies enjoy vis-à-vis the district boards: the assemblies are considered non-parliamentary bodies which, alongside the district boards, form part of the executive rather than the legislative branch of government and therefore enjoy rather limited competences.

There are currently no plans to abandon these tried and trusted means of emphasising the district tier's role of a tier of administration rather the government where more mundane matters frequently are best dealt with merits-based on the basis of a political consensus. This tends to set district politics apart from way things are dealt with at the city tier where, all too often, party politics in its pure form hamper the search for merits-based solutions to problems Berlin is faced with as a city and a Land.



# Decentralisation in Vienna

Harald Bürger<sup>4</sup>

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Austria is a federal state consisting of nine regions (Länder). Vienna is one of these regions and the capital of Austria. Austria has a strictly symmetric federalism, all regions have the same rights and obligations. The only reason for Vienna having an own chapter in the federal constitution is its special situation – Vienna is primarily a municipality, which fulfils also the role of a region. As municipality Vienna is one of the 15 cities in Austria having its own charter, meaning that the city fulfils also the role of an administrative district (Bezirk). These administrative districts are the constitutionally guaranteed units for the general administration in first instance, their competences comprise regional and federal tasks. Regions in Austria are divided into several districts, the whole territory of Vienna is just one administrative district. For Vienna this implies that the institutions fulfil a double role – the mayor of the city is also the regional governor, the city council is also the regional parliament, the city senate the regional government etc. For the administration the situation is the same – the city administration acts also as regional administration.<sup>5</sup>

To summarise the situation in Vienna is characterized by the fact that Vienna fulfils different roles in own structure – it is a region, a municipality in the special form of a chartered city and an administrative district in one. One of the characteristic features is the strong role of the mayor.

## The Internal Structure of Vienna in Districts

Vienna internally is separated into 23 districts (Gemeindebezirke). These districts should not be confounded with administrative districts (Bezirke) in the other Austrian regions. The Vienna City Statutes<sup>6</sup> in Art 3 enumerate the districts with their number and official name.

Most of the districts have their roots in formerly separate municipalities. Historically Vienna was just the first district. During the nineteenth and twentieth century waves of integration of surrounding municipalities (Eingemeindungen) led to Vienna in today's geographical shape. These former

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<sup>5</sup> Art 108 – 112 Federal Constitutional Law – B-VG. The section has the heading "The Federal Capital Vienna". Art 5 leg. cit. defines Vienna as federal capital and seat of the highest federal authorities. An English translation of the B-VG can be found in different formats under the following link: [http://www.ris.bka.gv.at/Dokument.wxe?Abfrage=ErV&Dokumentnummer=ERV\\_1930\\_1](http://www.ris.bka.gv.at/Dokument.wxe?Abfrage=ErV&Dokumentnummer=ERV_1930_1). For an overview on the special situation of Vienna see the usual textbooks on Austrian constitutional law, eg Walter/Mayer/Kucsko-Stadlmayer, Bundesverfassungsrecht, 10<sup>th</sup> edition 2007.

<sup>6</sup> Constitution of the Federal Capital Vienna – Wiener Stadtverfassung. A German version is available under: <http://www.wien.gv.at/recht/landesrecht-wien/rechtsvorschriften/html/voo10000.htm>. In the following cited as Constitution and the relevant article. The webpages of all districts can be found under: <http://www.wien.gv.at/bezirke/>.

independent municipalities became part of Vienna. They kept their own bodies, but their nature was changed from municipal to district bodies.<sup>7</sup>

The districts differ greatly in size and population. The surface area of the districts ranges from around 1 to 100 square kilometres, the spread of population is between 17.000 and 180.000 inhabitants.<sup>8</sup>

District bodies are the district council, the district chairperson and the district council committees.<sup>9</sup>

Elections to the district councils take always place together with the municipal elections for all the 23 districts.<sup>10</sup> It is an equal, general, direct, secret and personal proportional election system.<sup>11</sup> Citizens of other EU-member states have the right to vote and be elected (active and passive voting right).<sup>12</sup> The number of members is proportional to the number of inhabitants. Every district council has at least 40 and at most sixty members.<sup>13</sup> District council members may not be members of the municipal council at the same time.<sup>14</sup> The election period is five years.<sup>15</sup> The district council elects a district council chair and two alternates.<sup>16</sup>

The district chairperson and his two alternates are elected by the district council.<sup>17</sup> Being district chairperson is a full time job, which does not allow the engagement in a paid employment during her/his term of office.<sup>18</sup> The strongest political party has the right to nominate its candidate, for her/his election the support of her/his political group is sufficient ("Fraktionswahl"). The two alternates stem from the strongest and the party which came in at the elections as second strongest party. The chairpersons are not obliged to be members of the district council, but if they are they may also be elected as chair of the district council, combining this function with the chairperson function of the district.

The three district council committees deal with financial affairs, building regulation, and environment. They have ten to fifteen members, all parties of the district council are proportionally represented.<sup>19</sup>

Districts do not have their own administration or departments. Every district has an own small secretariat, which supports the work of the different bodies with writing protocols, sending out invitations to the meetings etc. The number of staff employed is minor, it ranges from 4 – 8.

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<sup>7</sup> For an overview see Peter Csendes, *Geschichte Wiens*, 1st edition 1990. "Eingemeindungen" took place 1850, 1892, 1904/05. During the German occupation 1938 – 1945 "Großwien" was created, 97 surrounding municipalities were integrated. 80 of them became independent and part of Lower Austria again 1954.

<sup>8</sup> For an extensive overview on statistical data about the districts see: <http://www.wien.gv.at/statistik/bezirksdaten.html> (German).

<sup>9</sup> Constitution § 8(1)(8) – (10).

<sup>10</sup> Municipal Election Act for Vienna – Wiener Gemeindevahlordnung 1996 § 1, Vienna Law Gazette 1996 number 16 as last time amended with Gazette 2010 number 31, <http://www.wien.gv.at/recht/landesrecht-wien/rechtvorschriften/html/v1000000.htm> (German). The only exception is an election in the district after a dissolution of the district council by the municipal council – Constitution Art 66(1). The district council is then elected for the remaining period of the municipal council.

<sup>11</sup> Constitution § 61a(1).

<sup>12</sup> Although Vienna is primarily a municipality EU-citizens must not vote at the municipal elections, as these are at the same time regional elections. Art 20(2)(b) TFEU and Directive 94/80/EC are not violated as the annex of this Directive defines "Bezirke in der Stadt Wien" as 'Basic local government unit' within the meaning of Article 2(1)(a) of the Directive.

<sup>13</sup> Constitution § 61(1).

<sup>14</sup> Constitution § 61a(1).

<sup>15</sup> Constitution § 61a(1).

<sup>16</sup> Constitution § 61b(3a). The chair and one alternate comes from the strongest party, the other alternate from the second strongest party.

<sup>17</sup> Constitution § 61b(1) and (2).

<sup>18</sup> Constitution § 61b(4). For her/his salary and the salaries of the deputies as well as a possible retirement pension see Vienna Emoluments Act for Elected Functionaries – Wiener Bezügegesetz 1995 §§ 26 – 34 (available online: <http://www.wien.gv.at/recht/landesrecht-wien/rechtvorschriften/html/v1000000.htm> - German) and Vienna Emoluments Act for Bodies of the Region and Municipality of Vienna – Wiener Bezügegesetz 1997 available online: <http://www.wien.gv.at/recht/landesrecht-wien/rechtvorschriften/html/v1200000.htm> - German). The latter also for the salary of members of a district council.

<sup>19</sup> Constitution §§ 66a and 66b. For other affairs not falling within the scope of competence of one of the three committees commissions may be enacted by the district council (Constitution § 66f). Examples are commissions dealing with traffic, social affairs etc.

Districts do not have an own legal personality, but since 1973 an on-going process of decentralisation<sup>20</sup> has led to a growing importance of them. The main political idea from the start on has been to bring the political life nearer to the citizens, having in mind that there are elected representative bodies on the district level. This has been complemented by implementing the districts in a growing number of decisions taken by the administration. Legally changes of the Vienna Constitution set the new framework.<sup>21</sup> Additionally decrees issued by the mayor may extend the information and consultation rights.<sup>22</sup>

### Competences of the Districts

In general districts have their own responsibilities and also budgetary means to fulfil them. Their competences may be structured in

- a) own competences
- b) participation
- c) consultation
- d) information

Overall around 140 tasks can be identified, having their legal base in the Vienna Constitution and three decrees issued by the mayor.<sup>23</sup>

The competences are divided between the different district bodies. The district council and the district chairperson are responsible for most of the competences, the committees deal – as is obvious from their respective name – with the budget, the building regulation and environmental matters.

Own competences are defined in Art 103 Vienna City Statutes. The districts also have the budgetary means to fulfil this tasks. The list contains inter alia the maintenance of public schools, day care facilities for children, planning, building and maintenance of streets and public lightning as well as canals and parks, measures to improve road safety, cultural affairs limited to the district etc.

Participation as defined in Art 103k Vienna City Statutes is a stronger form of consultation, the relevant district body has the legal right to issue an opinion within three weeks. The body, which is finally deciding does not has to take the opinion into account but must give reasons when doing so.<sup>24</sup>

Consultation is weaker, the district bodies have again the right to issue an opinion, but the deciding body may not give reasons when it does not follow the opinion.<sup>25</sup>

<sup>20</sup> For a historical overview see <http://www.wien.gv.at/bezirke/dezentralisierung/geschichte.html> (German).

<sup>21</sup> See the amendments to the Constitution of Vienna, Vienna Law Gazette 1978 Gazette number 10, 1987 Gazette number 24, 1997 Gazette number 36

<sup>22</sup> Overall three Regulations of the Mayor of Vienna based directly on the Constitution, two on § 104a(1) about the consultation of the district council or the district chairperson and one on § 104a(2) about the information of the district chairperson. The regulations are published in the Official Journal of Vienna (1998 number 12 in an amended version with publications in the Official Journal 2001 number 1 and 2002 number 30). Online: <http://www.wien.gv.at/recht/landesrecht-wien/rechtsvorschriften/html/voo11800.htm>, <http://www.wien.gv.at/recht/landesrecht-wien/rechtsvorschriften/html/voo12000.htm>, <http://www.wien.gv.at/recht/landesrecht-wien/rechtsvorschriften/html/voo12200.htm>.

<sup>23</sup> For a complete overview see <http://www.wien.gv.at/bezirke/dezentralisierung/zustaendigkeiten.html#mitw> (German) with links to lists of the competences.

<sup>24</sup> Matters falling under participation can be found in the Constitution § 103g for the district council (eg urban planning), Art 103h for the district chairperson (eg for implementing the Trade, Commerce and Industry Regulation Act), and Art 103j for the district council committee for environment.



Both participation and consultation are complemented by an obligation of the deciding body to inform the district bodies.

Lastly the district chairperson is informed about relevant matters and itself has to inform the district council at its next meeting about these tasks.<sup>26</sup>

In case of differing views between the deciding body and district bodies no matter what competence is affected § 31 of the Rules of Procedure for the City Council Office<sup>27</sup> provide for a devolution to the responsible executive city councillor or the chief executive director. If they cannot find an agreement with the district bodies the mayor decides in the end.

## The Budget of the Districts

The necessary budgetary means come from the municipal budget. Districts do not have their own revenues. Legally their financial means are part of the municipal budget<sup>28</sup> and the district has only the right to decide about its use, the districts only administer means out of the municipal budget within a certain frame.<sup>29</sup>

The district budgets comprise not a fixed amount of money or a percentage of the overall municipal budget, in fact a fictive part of the taxes is allocated to them.<sup>30</sup> There is a two-step approach.

In a first step the overall budgetary means for all districts together are calculated. They depend on two different taxes – the municipal tax (Kommunalsteuer), a federally regulated tax mainly depending on the sum of salaries in an enterprise and paid by the entrepreneur to the municipality, and the employer tax, a regional Viennese tax. The amount is topped with 4 million € a year and 8,5 million € a year for investments or the paying back of so called anticipated spending. Additional amounts are foreseen for the planning and maintenance of main streets and the maintenance of canals. They are proposed by the responsible executive city councillor, the final decision takes the municipal council.

In a second step the budget then is distributed between the 23 districts. Following a detailed procedure first a general distribution key is used, taking for example into account the population, the number of children visiting schools in the district, the density of the population, public traffic areas etc. The second distribution key is related to the concrete tasks of a district, as for example the numbers of public toilets, music schools or child day care facilities differ between the districts.

All 23 districts have for the year 2013 common financial means of 189 million €. Due to the method of calculating the means may change with the economic situation, as they are related to two taxes. The first budgetary responsibilities were transferred to the districts with the beginning of 1988, a second transfer followed with 1998, which nearly doubled the financial responsibilities of the districts.

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<sup>25</sup> Constitution § 104a(1). For the two regulations see above footnote 19.

<sup>26</sup> Constitution § 104a(2). For the regulation see above footnote 19.

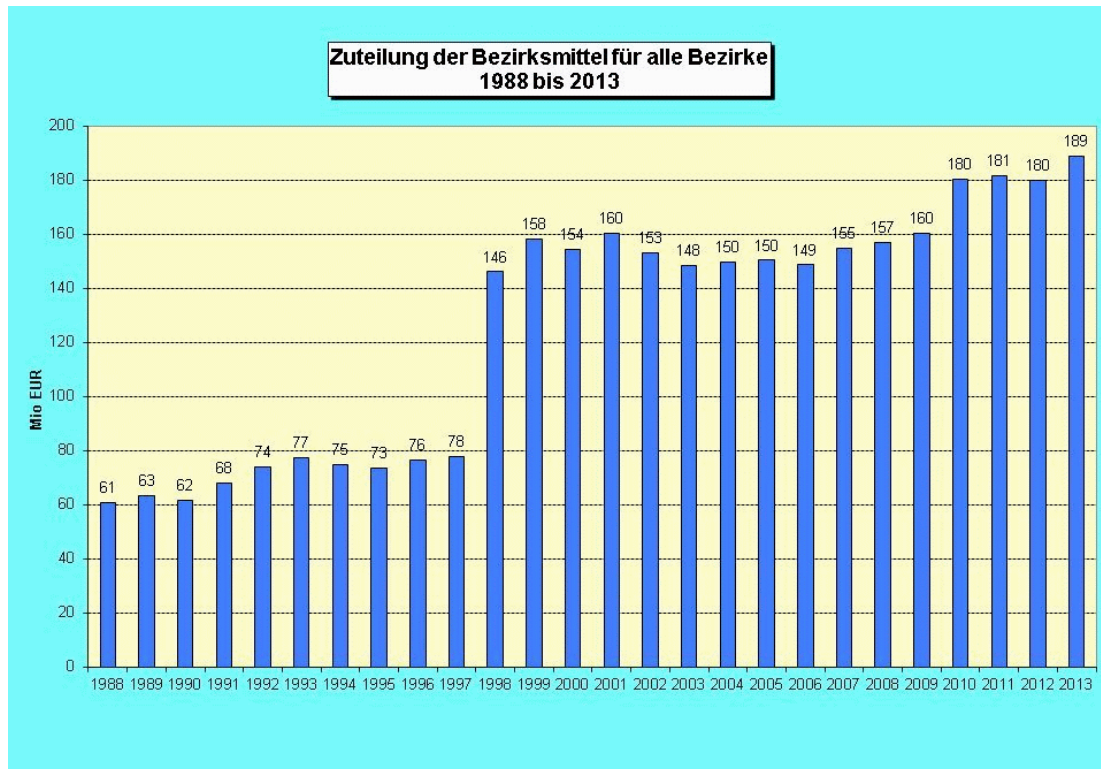
<sup>27</sup> <http://www.wien.gv.at/recht/landesrecht-wien/rechtsvorschriften/html/voo12400.htm> (German). The Rules of Procedure are enacted by the mayor after approval of the municipal council – Constitution Art 91(4).

<sup>28</sup> Constitution § 86(3) and (4). The municipal budget includes also the necessary financial means for the regional administration, there is no separate regional budget – Constitution § 132(4). The total expenditure of Vienna is around 12 billion € a year.

<sup>29</sup> For the detailed rules see Constitution § 103 for the administration of the financial means, § 103a and § 103b for drafting the district budget and participation of the public, § 103c with general rules, for example the anticipative spending, § 103d for the provisional budget, § 103e for the necessary cooperation of districts, and § 103f about the clearance of accounts.

<sup>30</sup> Regulation on Financial Means for the Districts – Bezirksmittelverordnung Official Journal 1997 number 45, last time amended with Official Journal 2012 number 16, available under: <http://www.wien.gv.at/recht/landesrecht-wien/rechtsvorschriften/html/voo12250.htm> (German).

Graph I: Financial means for all districts, million € per year



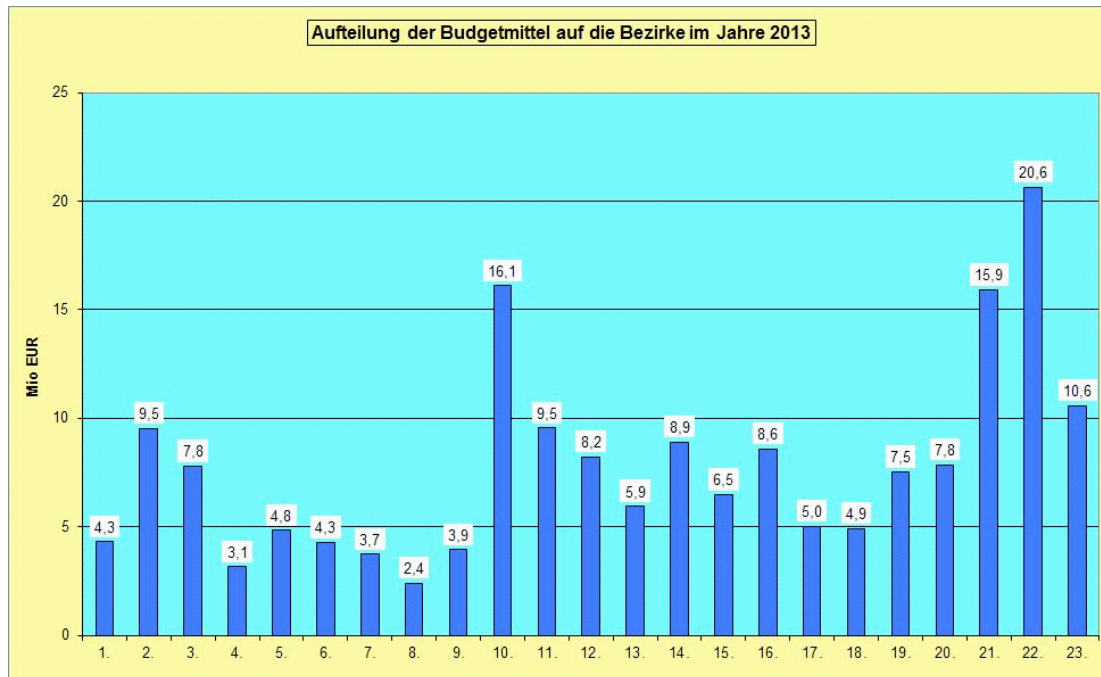
Source: City of Vienna (<http://www.wien.gv.at/bezirke/dezentralisierung/images/bezirksmittel-gross.gif>)

A detailed overview can be found in the annual budget of Vienna, which since 2006 comprises an own annex covering decentralisation and financial means for the districts. The budgets since 1999 can be accessed online.<sup>31</sup>

The division of financial means for 2013 on the districts shows the following graph:

<sup>31</sup> <http://www.wien.gv.at/finanzen/budget/> (German). The above mentioned annex for 2013: <http://www.wien.gv.at/finanzen/budget/va13/pdf/34.pdf> (German).

Graph 2: Division of financial means on the 23 districts for the calendar year 2013



Source: City of Vienna (<http://www.wien.gv.at/bezirke/dezentralisierung/images/budgetmittel-gross.gif>)

### Interlinking Municipal Administration and the Districts

As districts do not have an own administration interlinking it with the municipal administration – mainly the departments and the municipal district offices<sup>32</sup> – is of prime importance. There is a small unit in the chief executive office responsible for the overall coordination. This unit is today part of the executive office of the mayor, under the responsibility of the director of decentralisation, a special assignment. Other tasks include information and advice for the district chairpersons, preparation and adapting of organisational decrees and organisational matters as well as helping to solve problems either for the districts or the municipal departments in the area of decentralisation.

There is a coordinator for each district. It is a civil servant working in one of the municipal departments. She/He is the first and direct contact person for the district chairperson and responsible for the flow of information. She/he fulfils this role additionally to his normal function. His main task is a coordination role when more than one department is affected.

In every department dealing with issues of decentralisation an expert, again a civil servant, is the responsible contact person for one district. So for example in the department, which is inter alia responsible for the maintenance of streets, one administrator is in charge of one of the districts. The expert is responsible for the information flow and should enhance the cooperation between “her/his” district and the department.

<sup>32</sup> The 19 municipal district offices are part of the city administration and not related to the districts. They serve mainly as first legal instance for the tasks allocated to them, eg implementation of the Trade, Commerce and Industry Regulation Act, administrative criminal proceedings etc. There are four municipal district offices responsible for two districts each: for the 1st and the 8<sup>th</sup>, the 4<sup>th</sup> and the 5<sup>th</sup>, the 6<sup>th</sup> and the 7<sup>th</sup>, and the 13<sup>th</sup> and the 14<sup>th</sup> district. The other tasks are fulfilled by municipal departments, organised in eight administrative groups headed politically by an Executive City Councillor and the Chief Executive Office. An organisation chart of the administration is downloadable in 14 languages: <http://www.wien.gv.at/english/politics/translation/charts.htm>.

In reality coordination meetings take place at regular intervals, where the experts from the different departments, the coordinator, often a representative of the director for decentralisation, and the district represented by the district chairperson or a delegated alternate participate.

### **The citizen and the district**

Aside the right to vote at the district every inhabitant can contact the district chairperson and the members of the district council with his requests, proposals or complaints. All these petitions are dealt with by the district or the responsible department of the city, the petitioner is informed about these proceedings and the result.<sup>33</sup>

Citizens assemblies are the main possibility for information and discussion about matters of interest for the district. The district council, a minority of at least a fifth of its members or 5 % of the inhabitants of a district may convoke such a meeting. The assembly may also cover just parts of the district.<sup>34</sup>

Districts frequently also do question citizens about matters of common interest. Two recent examples can be found in the districts Währing and Hietzing, where Citizens could issue their opinion on the introduction of obligatory parking tickets for inhabitants.<sup>35</sup> Legally these surveys are not binding.

### **Summary**

The article focussed on decentralisation in Vienna based on the constitution. It rests on two pillars – politically legitimated districts with exclusive competences and budgetary resources and a strong city administration, where the departments are also in charge of the works in the districts. It is important to underline that the Vienna administration has for a long time already been decentralised, with the municipal district offices being the decentralised part of the administration, the departments and other central offices the centralised part.<sup>36</sup>

For a full picture of the different forms of decentralisation in a wider sense, understood as participation of actors below the city level, one has also to take into account other forms of participation. Participative planning, ranging from regional plans covering the whole city to Environmental Impact Assessments, the Local Agenda 21, which in Vienna is district based and project oriented, the Vienna model of the “Gebietsbetreuung Stadterneuerung”, a district based service for questions arising in connection with housing are examples. They have a strong district based approach, working often in close cooperation with the districts themselves.

The question cannot be broken down to districts yes or no, the whole context is important. People may engage more in the neighbourhood, but the districts with their organisational structure may act

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<sup>33</sup> Constitution § 104b.

<sup>34</sup> Constitution § 104c.

<sup>35</sup> <http://www.wien.gv.at/bezirke/waehring/aktuelles/parkraumbewirtschaftung.html> and <http://www.wien.gv.at/bezirke/hietzing/verkehr/parkraumbefragung.html> (German).

<sup>36</sup> See Rules on the Division of Tasks for the City Council Office–Geschäfteinteilung für den Magistrat der Stadt Wien (GEM): <http://www.wien.gv.at/recht/landesrecht-wien/rechtsvorschriften/html/voo12600.htm> (German), Official Journal of Vienna 2010 number 52A as last time amended by 2013 number 1, especially “General Rules II”. These rules are enacted by the mayor after approval of the municipal council – Constitution Art 91(4). This form of decentralisation is an early concept, stemming from the end of the 19<sup>th</sup> century.

as facilitators for this participation, at the same time being “sounding boards” for the politicians, enabling them an early detection of problems and trends below the city level. The district then has the means to feed these findings into the official process.

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