Chapter 16

A Comparative Study of Local Governments in the Constitutions of Selected EU Countries and Turkey

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ABSTRACT

In the effort to examine local governments within a country, the first place to look at would be the constitution of that state. Constitutions usually provide us with important information about local governments; on their types, competencies, revenues and various other characteristics. This study aims to compare the clauses devoted to local governments in the constitutions of 23 European Union (EU) member states and Turkey. While there are certain studies concerned with how local governments are worded within constitutions, these are generally singular cases focusing on one country alone. This chapter aims to provide comparative and informative information on local governments in the constitutions of the related states by categorizing the most commonly stipulated clauses.

INTRODUCTION

In the effort to examine local governments within a country, the first place to look at would be the constitution of the state. Constitutions usually provide us with important information on local governments; on their type, competency, revenue and various other characteristics. This study aims to compare the clauses devoted to local governments in the constitutions of 23 European Union (EU) member states and Turkey.

In the selection of EU countries, 23 unitary countries (covering Bulgaria, Czech Republic, Croatia, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden) have been cho-

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sen. Only five states of the EU have been omitted: Austria, Belgium and Germany, which are federal states; United Kingdom since it does not have a constitution and Cyprus which, despite having a *de jure* constitution since 1960, it has not been implemented since the country is *de facto* split into two parts.¹

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**Main Common Provisions Concerning Local Governments in the Constitutions**

In the process of comparing the related articles of constitutions of the above countries, it became possible to classify the content under several topics. These are:

- Recognition and/or guarantee of local-self government/local autonomy/decentralization.
- Statement on the types of local governments.
- Statement on the organs and elections of local governments.
- Statement on the duties/powers of local governments.
- Statement on local government revenues and taxation
- Statement on the supervision/administrative tutelage of local governments.
- Other provisions (the formation of associations, property ownership the alteration of boundaries, local referenda).

Table 1 presents an overview of the provisions concerning local governments in the related EU countries and Turkey. Before a further-detailed examination of headings above, it must be noted that three constitutions indicated an extraordinary feature. These constitutions were of Latvia, Denmark and Malta. The uncommon practice in these constitutions stems from the fact that there is either no direct chapter or provisions concerning local governments or there is an article covering only one sentence. It will thus be better to examine these irregular cases first.

In the Constitution of the Republic of Latvia, proclaimed on the 18th November, 1922 and reinstated in 1991, there is no special chapter or article on local governments. But, in an indirect way we are informed that there are local governments. The first wording of local governments is found in Chapter II heading *Saeima* (parliament) Article 25 where it is stipulated that:

> The Saeima shall establish committees and determine the number of members and their tasks. Committees have the right to require of individual Ministers or local government authorities information and explanations necessary for the work of the committees, and the right to invite to their sittings responsible representatives from the relevant ministries or local government authorities to furnish explanations. Committees may also carry on their work between sessions of the Saeima.

The second and final spot where local governments are cited is in Chapter VII which is titled as Fundamental Human Rights. Article 125 stipulates that:

> Every citizen of Latvia has the right, as provided for by law, to participate in the work of the State and of local government, and to hold a position in the civil service. Local governments shall be elected by
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