|  |  |  |
| --- | --- | --- |
| **A complex system aims to bring Frenchlocal government closer to the peopleBy Nick Swift and Guy Kervella, European Editor*****23 June 2003:* While local government in France has a long history of centralisation, the past 20 years have brought some radical changes. At first sight, the system may seem complex. France is one of the few countries in the European Union with four tiers of government - the state or central government, region, department and ‘commune’.**The decentralisation law of 2 March 1982 and the legislation completing it marked the Paris government's desire to alter the balance of power between the state and local authorities (regions, departments and communes). It gave far greater autonomy in decision-making by sharing administrative and budgetary tasks between central and local authorities.**Three tiers of local government**In France there are three main tiers of local administration: the commune, department and region. These are both districts in which administrative decisions made at national level are carried out and local authorities with powers of their own. Legally speaking, a local authority is a public-law corporation with its own name, territory, budget, employees, etc. and has specific powers and a certain degree of autonomy vis-à-vis central government. In addition, there are France's overseas territories and regional bodies (collectivités territoriales) with special status (Paris, Marseille, Lyon, Corsica, Mayotte and Saint-Pierre-et-Miquelon).**The communes**The commune, which dates from 1789, is the lowest tier of the French administrative hierarchy. There are nearly 37,000 communes, many more than are found in the other countries of the European Union. In France the term commune is applied to all municipalities whatever their size – 80 per cent of them have fewer than 1,000 residents. This situation has led the government to encourage smaller communes to merge to form urban communities (communautés urbaines) or group together in associations of several communes (syndicats intercommunaux). In addition, the law of 6 February 1992 suggested new forms of co-operation to rationalise municipal administration by taking common interests into consideration. In reality, the closer links often go no further than pooling a few services and mergers are extremely rare, as both residents and local councillors often retain a strong sense of identity with their communes.Like the department and region, the commune has a deliberative or decision-making body (the municipal council) and an executive (the Mayor), elected by the municipal council. The number of municipal councillors is proportional to the population. Elected for six years by direct universal suffrage, municipal councillors lay down guidelines for municipal policy, adopt the budget, manage municipal assets, notably primary school buildings and equipment, and decide how the municipal administration is to operate.The Mayor has two hats, since he or she is both the commune's elected authority and the state's representative in it. As the commune's chief executive, the Mayor carries out the decisions of the municipal council. As the municipality's legal representative, the Mayor proposes and implements the budget, ensures the conservation and management of the commune's natural environment and built heritage and issues building permits. Mayors also have powers in their own right, being responsible for security and public health and having at their disposal the municipal administration, which they head.As the state's representative, the Mayor is the registrar of births, marriages (at which he/she officiates) and deaths and is an officer of the police ‘judiciaire’ and so entitled to exercise special powers in connection with the repression of crime under the authority of the public prosecutor. Finally, he/she is responsible for various administrative tasks including publicising laws and regulations and drawing up the electoral register. Mayoral acts are unilateral administrative acts, generally orders, whose legality is subject to a control by the courts when they are issued by the Mayor as the commune's chief executive and to the approval of the Prefect (see below) to whom the Mayor is subordinate when acting in the capacity of the state's representative.So the commune's own powers cover activities which affect its inhabitants' daily lives. Its economic and social brief, long limited to granting aid for job creation and helping needy families, has been broadened to enable it to play an important role in combating unemployment and social exclusion and engage actively in economic restructuring and development of new activities.**The departments**There are 100 departments in France, 96 in metropolitan France and four overseas (Martinique, Guadeloupe, Réunion and French Guiana). Established in 1789, the department has developed from a partially decentralised local authority to one with full powers of its own (since 1982). It has played a prominent role in the country's administrative and geographical organisation.The department essentially has competence in health and social services, rural capital works, departmental roads, and the capital expenditure and running costs of colleges.**The Prefects**For almost 200 years (1800 to 1982), regional department Prefects held the executive power in the departments, but the law of March 1982 modified their powers. Appointed by the government, the Prefect is still the sole person empowered to act on the state's behalf in the department. Prefects represents the Prime Minister and all the members of the government, has authority over the state's external services in the department and ensures the administrative supervision of the department's local authorities.However, the law of 2 March 1982 conferred executive authority for the department on the chairman of the general council. The general council is the department's decision-making organ. It is made up of general councillors elected for a six-year term in a two-ballot uninominal majority poll. Each department is divided into cantons (France has 3,500 cantons) which serve as the constituencies for the election. Elected by the councillors for a six-year term, the chairman prepares the council's debates and implements its decisions, including decisions on budgetary matters. He or she represents the department at the legal level, heads the department's staff and services and, finally, as the person in charge of running the department, exercises certain police powers in the areas of conservation and departmental highways (without prejudice to the powers of the Mayors and Prefect in these areas).**The regions**France has 26 regions, 22 in metropolitan France and four overseas. The latter have a special status, being at the same time departments and regions. Created in 1955 to provide a framework for regional town and country planning, the region became a local authority in 1982. Its main spheres of competence are planning, regional town and country planning, economic development, vocational training, and the building, equipment and running costs of schools (lycées).The decision-making organ is the regional council whose members are elected for six years. They are assisted by an economic and social committee, which is a consultative assembly made up of representatives of businesses, the professions, trade unions and other employees' organisations, regional voluntary organisations, etc. This committee must be consulted on the preparation and implementation of national plans, the establishment of the regional development plan and the major guidelines for the regional budget. The committee is also free to comment on any regional matter or, at the initiative of the regional council's chairman, any economic, social or cultural proposal. The regional council chairmen, elected by the councillors, are the region's executive authority. Their responsibilities are identical to those of the general council chairman in the areas within the region's sphere of competence.So while basic principles and structures have not changed and there is a clear distinction between the spheres of competence of the different tiers, the decentralisation legislation did bring in some innovations, especially regarding supervision. Some degree of ex post facto monitoring of local government action is necessary in order to reconcile the fact that the authorities are self-governing with the need for coordinated action within a unitary state and ensure that the principle of equality of all citizens does not override the general interests of the nation as a whole.The March 1982 law also made several changes concerning financing. Any transfer of state competence to a local authority must be accompanied by a transfer of resources (chiefly fiscal). In practice, local taxes have tended to rise. The reform also extended the responsibilities of the communal, departmental and regional accountants, giving them the status of chief accountant directly responsible to the treasury. Lastly, the 1982 law assigned to a new court, the regional audit chamber, responsibility for a posterior auditing of local authority accounts.The process of decentralisation has profoundly altered local government in France. The new system is indisputably more costly than the old for the public purse and has led to some fragmentation of tasks and objectives, as local authorities act primarily in their own rather than the national interest. However, decentralisation is helping to ensure that tasks are carried out at the most appropriate level of responsibility in all sectors of public life, so bringing greater democracy to the country's administration and management. |  |  |