

KINGDOM OF MOROCCO



MINISTRY OF THE REFORM OF  
THE ADMINISTRATION AND  
THE CIVIL SERVICE



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CDL-UD(2019)004

Or. En

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

in co-operation with

**THE MINISTRY OF THE REFORM OF THE ADMINISTRATION AND THE  
CIVIL SERVICE OF THE KINGDOM OF MOROCCO**

**Regional seminar for senior public officials**  
**UniDem Med**  
**“TOWARDS A PUBLIC SERVICE CLOSER TO THE CITIZENS  
– MODELS AND GOOD PRACTICES”**  
**The Pearl Hotel**  
**Marrakech, Morocco**  
**12 – 14 June 2019**

**TOWARDS AN EFFECTIVE PUBLIC ADMINISTRATION FOCUSED ON SERVING ITS  
CITIZENS**

by

**Ms Manuela SÖLLER-WINKLER**

**(Consultant, Public administration & elections, Germany)**

Ensuring Sustainable Democratic Governance and Human Rights in the Southern Mediterranean

Funded  
by the European Union  
and the Council of Europe



Implemented  
by the Council of Europe

# **Modern Public Administration: Citizen-friendly and efficient!**

## **Challenges and solutions from a German perspective**

**Manuela Söllner-Winkler  
State Secretary retd.**

**June 2019**

# Challenge:

## Improvement of

- **accountability**
- **accessibility**
- **and efficiency**

## of administrative services for

- **all citizens.**

**Never completed process due to permanent technological, economic, social changes.  
Expectations of citizens change accordingly.**

# Way to master this challenge:

**Decentralization  
especially by**

- **Deconcentration  
and**

- **Strengthening of Local Self-Government  
as part of Good Governance**



# Explanation of terms

## 1. Decentralization:

General term for all forms of delegation of

- state power,
  - state responsibility,
  - state resources
- from the central government to
- subordinate, decentralized authorities,
  - semi-autonomous public bodies (in Germany e.g. universities)
  - autonomous regional/local authorities (Federal states, municipalities)

for managing the performance of public tasks.

# Explanation of terms

## 2. Deconcentration:

Transfer of

state responsibility and decision-making (executive) power  
to

subordinated, often decentralized state authorities  
within

the central administrative hierarchy

(Subset of decentralization)

## **Explanation of terms**

### **3. Strengthening of Local Self-Government:**

#### **Strengthening the right and the ability of local authorities**

- to regulate and manage a substantial share of public affairs
- under their own responsibility
- in the interests of the local population

#### **Ensuring**

- a high degree of autonomy regarding finances and task fulfillment
- direct citizen participation

**(Subset of decentralization)**

# Explanation of terms

## 4. Excursus: Federalism:

Transfer of

executive and legislative functions  
to

autonomous, directly elected regional authorities (states).

without

hierarchical subordination to the national government

(if federal law is violated by a state: The national government must take legal action. However, principle of loyalty applies for both – federation and states.)

(Special form of decentralization)



# Importance of Decentralization

**Decentralization is the instrument to realize**

**the principle of subsidiarity as an important principle not only within the European Union.**

**E.g.: European Charter of local self-government (art. 3):**

**„Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen.**

**Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.“**



# Importance of the Principle of Subsidiarity

- **Transparency and accountability:**  
The closer authorities are to citizens, the more effectively citizens can demand transparency and accountability of decisions.
- **Accessibility:**  
The closer authorities are to citizens, the better the access to public services.
- **Efficiency:**  
Local responsibility means less administrative instances and greater flexibility. And: Competition of best practices in municipalities (citizens can compare).
- **Local democracy:**  
Local responsibility allows the solution of problems by involving citizens; the direct impact of decisions on their lives gives citizens incentives to contribute to solving problems through their own initiative.

# Cornerstones of Decentralization

**Successful decentralization consists of three elements:**

- **Fiscal decentralization:**  
Provision of "own" financial means for decentralized authorities.
- **Sectoral Decentralization:**  
Assignment of technical responsibilities and capacities to local authorities.
- **Participation of citizens:**  
Democratic participation and control of local decision-making.

## Models of Decentralization in Europe

### 1. Federal system (Germany) ./ centralised system (France)

- **Disadvantages of federal structures:**
  - Problems in specific sectors (e.g. federal education system: changing schools and recognition of graduation certificates)
  - Often complex coordination processes
  - Comparatively high costs (1 national + 16 state parliaments)
- **Advantages of federal structures:**
  - Regional responsibility and decision-making closer to citizens
  - Competition between states creates best practices and increases efficiency
  - **Strong democratic elements also at the regional level**



# Models of Decentralization in Europe

## 2. Deconcentration

**Common throughout Europe in varying degrees:**

**Transfer of state responsibility and decision-making power to subordinated, decentralized state authorities.**

**E.g.:**

- **School authorities**
- **Health authorities**
- **Tax authorities**
- **Police authorities**

# **Models of Decentralization in Europe**

## **3. Strengthening of local self-government**

**Valid throughout the European Union  
(and other European countries):**

**Principle of Local Self-Government**  
**Enshrined in the European Charter of Local Self-Government**



# European Charter of Local Self-Government: Key messages – Preamble

- **Local self-government is**
  - one of the main foundations of any democratic regime.
- **A Europe based on the principles of democracy and decentralization of power needs local authorities with**
  - a wide degree of autonomy,
  - the powers and resources required for the fulfillment of their responsibilities.
- **Local authorities with real responsibilities are**
  - effective and close to the citizen.
- **Participation of citizens is**
  - a democratic principle, most directly exercised at local level.

# European Charter of Local Self-Government: Key messages – Article 4

## Scope of local self-government:

- **Local authorities shall, within the limits of the law,**
  - have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority.
- **Powers given to local authorities shall normally**
  - be full and exclusive and not undermined by another authority.
- **Local authorities shall, as far as possible,**
  - have discretion in adapting the exercise of delegated powers to local conditions.

# European Charter of Local Self-Government: Key messages – Article 9

## Financial resources of local authorities:

- **Local authorities shall be entitled**
  - to adequate financial resources of their own, of which they may dispose freely within the framework of their powers.
- **Local authorities' financial resources shall be**
  - commensurate with their responsibilities.
- **Part of the financial resources of local authorities shall**
  - derive from local taxes/charges with a power to determine the rate.
- **As far as possible, grants to local authorities shall**
  - not be earmarked for the financing of specific projects.

# **Decentralization in Germany**

Manuela Söllner-Winkler - 08.06.2019



# State Organization





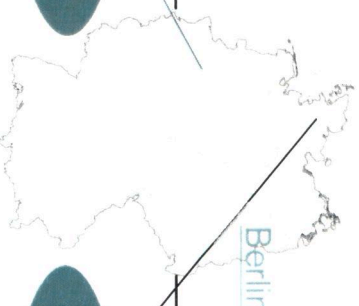
# Territorial-Administrative Structure

## The Federal Republic of Germany

16 Federal States (13 „territorial states“, 3 „city states“)

- Municipalities: ~ 11.000
- Independent cities: 104+3 city states
- Districts: ~ 300

- Inhabitants: ~ 82 mio
- Area: ~ 357.000 km<sup>2</sup>



### Federal State of North Rhine-Westphalia

- Inhabitants: ~ 17,9 mio
- Area: ~ 34.000 km<sup>2</sup>
- Municipalities: 396
- Residents: > 1 mio to ~ 4.200
- Districts: 31
- Independent cities: 23

### Federal State of Schleswig-Holstein

- Inhabitants: ~ 2,8 mio
- Area: ~ 15.800 km<sup>2</sup>
- Municipalities: ca. 1.100
- Residents: ~ 245.000 to < 10 (isle)
- Districts: 11
- Independent cities: 4

# Distribution of Executive Powers

- **Federal state and states**
  - execute tasks regulated in federal and state laws through their own authorities **as far as they do not**
  - delegate them to local authorities (delegated tasks) or
  - entrust local authorities to perform these tasks as own (mandatory) self-governing tasks.
- **Local Authorities execute**
  - federal / state laws as far as delegated to them by state (delegated tasks)
  - own affairs (voluntary and mandatory tasks of self-government)

# Authorities on different levels

## 1. Federal authorities

- **Highest Federal Authorities**
  - e.g. Federal Ministries
- **Higher Federal Authorities**
  - e.g. Federal Office for the Protection of the Constitution
- **Federal Intermediate Authorities**
  - e.g. Regional Tax Offices, Regional Water and Shipping Directorates
- **Lower Federal Authorities**
  - e.g. Main Customs Offices



## Authorities on different levels

### 2. State authorities e.g. in Schleswig-Holstein

- **Highest State Authorities**
  - e.g. State Ministries
- **Higher State Authorities**
  - competence extends to the whole state
  - e.g. Land Offices for Surveying and Geodata, for Social Services or for foreigner affairs
- **Lower State Authorities**
  - competence generally extends only to a part of the state
  - e.g. 15 School Education Authorities, 8 Police Departments, 17 Tax Offices

## Authorities on different levels

### 3. Local (self-government) authorities e.g. in Schleswig-Holstein

- **On district level:**
  - Head of the District
- **On municipality level:**
  - **Mayor**



# Tasks of State Authorities and Local Authorities: Examples

- **Tasks executed by state authorities:**  
Tax matters, police affairs, education, social welfare (specific tasks), ...
- **Tasks executed by local authorities:**
  - Delegated tasks:
    - **Municipalities:** Registration law, Passport affairs, housing allowance, ...
    - **Districts:** Food control, weapons law, social welfare (specific tasks), ...
  - Mandatory tasks of self-government:
    - **Municipalities:** Building/conducting public schools, sewage disposal, ...
    - **Districts:** Building/conducting hospitals, public transport, ...
  - Voluntary tasks of self-government:
    - **Municipalities:** Public water/gas/heat supply, sports/culture facilities, ...
    - **District level:** Regional tasks with compensation-/supplementing function

# **Current Discussion (not only) in Germany**

# Trend back to Re-Centralization?

## Pro:

- **The quality of tasks has changed:**
  - Many of them have become more complicated and complex over the years due to technological progress
- **The conditions of task performance have changed:**
  - Public services can increasingly be provided electronically – therefore, the local proximity becomes less important for the accessibility of an authority.

## Cons:

- **The professionalism of local authorities has increased on the basis of experience**
- **Access to electronic services is not guaranteed nationwide**
- **Not every citizen can use electronic services**
- **Accountability and grassroots democracy do not work at a distance and with anonymity of the actors**



## Conclusion: Limits of Decentralization

- **The principle of subsidiarity means:**
  - All tasks that can be performed equally well or better at a lower level should be transferred to the lower level.
  - **Conclusion:** Tasks should be organized as decentralized as possible, but also as centralized as necessary.
- **Criteria on whether / to what extent a task is to be decentralized:**
  - If decisions directly affect the daily lives of citizens and diversity is possible and desirable, decentralized solutions are better.
  - If decisions are to be taken in highly specialized individual cases, or if uniformity is important, a central task fulfillment is preferable.
- **The decision on decentralization (or centralization)**
  - must be made by society or policy,
  - always answering the question:  
Is it possible to leave this responsibility to a lower level?
    - must be reviewed if necessary



**Thank you  
for your attention!**