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**The Basic Political and Structural
Problems in the Workings of Local
Governments in Hungary**

by

PÁLNÉ KOVÁCS, Ilona

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HRUBI, László**

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LOCAL GOVERNMENTS AND POLITICS

1. Macropolitical Aspects

The importance, content and democratism in the activity of local governments are all essentially decided by macrocontexts: legal and constitutional regulations, the settled division of labour and economic conditions and the macropolitical situation. It is especially so in Hungary where the working of local governments is just being framed and local governments cannot rely on well proved norms, practices and traditions. Power, authority, property, resources for functioning and resources for development are shared between local governments and state and this is primarily a political issue. The outcome of this depends on the bargaining position of the participants involved.

To form an opinion of the local governments macroposition, it is interesting to sum up the central political power relations and, within it, the possibilities of local governments to represent their own interests.

The following question evidently arises: to what extent can the proportion of Members of Parliament (M.P.s) in the Parliament serve local interests and to what extent is it local-government-friendly?

The parliamentary electoral system does not guarantee the presence of regional interests as the majority of M.P.s are elected on lists and to be nominated on a list, even on a county-list, does not mean that there is a tie of any kind between the M.P. and the region. This is because the M.P. does not have to live permanently in his (or her) constituency. In the case of individual constituencies the tie is formally stronger, but as the great majority of candidates in the constituencies are supported or nominated by parties, one can assume that the M.P.'s territorial identity is not stronger than his (or her) party-loyalty. (The fact that I did not find any data indicating where M.P.s live neither in the results of the election nor on the composition of the representative body in Parliament would suggest the unimportance of an M.P.'s living place.)

The representation of regional interests does not play any role in the working system of Parliament. M.P.s work in fractions or in committees and the M.P.s of a county or a region belonging to different parties do not co-operate with each other. The group of M.P.s from the Great Plain is an exception as they have stronger inclination to lobbying perhaps because of

their political culture. Besides this the representation of interests of regions, more precisely of local governments, is not settled formally in the work of Parliament except for the Committee of Local Governments. However, the party-fragmentation seems to be stronger than the professional or branch-solidarity in the parliamentary committees' activity.

Beyond parliamentary representation the associations of local governments — as it is their original task — mediate local standpoints towards the central government. The constitutional regulation of this function is quite loose so it is no wonder that their role is rather insignificant in practice. That is, the Law does not clarify which state organ would be the partner of the association(s) of local governments, what happens if the law-codifying organ does not ask the opinion of the association(s) and what formation should be considered as a national association. It is also true — there are numerous examples of this in practice — that the right to give an opinion is quite a weak one and if the decision-makers, used to sharpened political conflicts, will not accept it they will not feel the consequences of it.

The political insignificance of the local governments' associations can be rooted in the fact that the number of them is too high and they rarely co-ordinate their activity. Moreover, sometimes motives of plots against each other can be noted. The so called „right to propose” of local governments — which can be practised individually or collectively — also is not an effective means to assert or protect interests. At most it is applied in the judgement of individual cases and — not so frequently — as a possibility for the correction of legal regulations. The role of the Constitutional Court remains imperceptible for the time being. This can be explained by the fact that it has very little chance to select and to discuss real „philosophical state issues” because of the unlimitedness of the proceedings instituted at the Constitutional Court.

The relation of parties to local governments can be characterised as rather ambivalent which is rooted in the outcome of local elections. As a result of it the majority of the representative bodies and the leaders have emerged as independents or as members of or supported by the parties of the parliamentary opposition. This is why the central government and the governing parties make the decisions concerning the local governments in macropolitical dimensions and the almost natural contradictions between central and local power have become more and more obvious. The out-

come of the local elections — most likely — did not help to form a local-government-friendly attitude in central government. This situation is very harmful from the point of local governments because — as I have mentioned — at present the shaping and acquiring of future legal, constitutional and property positions is ongoing. In this procedure the prospects of local governments to assert their interests are much less and a weak bargaining position has a bearing in the long run operating possibilities of local governments in power. This is especially so for the aspect of the organisational system of labour-division, the headway of deconcentrated state administration and the formation of state asset ownership by local governments.

So the macropolitical position of local governments as a whole is weak. The party-centric political mechanism and electoral system, the weak corporative elements and the tendency towards centralisation by the state government cause that local governments do not form a significant branch of power. At the very most they have only constitutional importance though even this is being questioned. Pure legal means are not enough to solve the problem. Furthermore without a more effective system for representation of regional interests the decentralised model of state structure is in danger.

2. Local Political Aspects

Before I outline the state of affairs it would be expedient to sketch out roughly the local political conditions preceding the systemic change which — in my opinion — will leave its mark on the operation of the power for a long time. In the period of the soviet system based on hierarchy and monoparty-system (and as part of the homogenous state power) it was oriented only for carrying out orders, there was no local power existing in the aspects of constitutional law and macropolitics. The „power” of the local political and economic élite dominating the decisions in local issues existed „only” horizontally, only towards local society. Towards central and regional administration it did not reach for more than accommodation, lobbying and outwitting. In a centralised, deformed political system democratic operation of local power can hardly be expected. The most harmful aftermath of the past from the aspect how the present freedom of local governments can be „operated” is not the fact that the élite did not

get the opportunity to learn the technique of democratic politicising but the fact that the local élite and local society became estranged because of the lack of real opportunities for association and the lack of mutual interests. Therefore the political attitude of local society and the demand for influencing local decisions have wasted away. Undeniably, there existed organisations, initiations of civil society, especially in villages or in private residential communities but these showed complete political abstinence and their activity remained mostly in the area of culture, sometimes that of environmental protection, improvement of the village or in the field of local history. In the eighties, as a sign of the regime's crisis, the activity and movements of civil society tended to oppose the local élite(s) but this phenomenon was campaign-natured and did not embrace the whole regional policy.

It occurred at the local elections following the systemic change that local society, not accustomed to dealing with local public issues, got a chance to make a decision in the basic problem of local policy: „who governs?”

Local power conditions and frames of policy-making of local governments are partly limited by legal standards and partly formed by special local sociological, political etc. conditions.

The most important constitutional rules on local diffusion of power are those which refer to local elections and direct participation. Regulation of local elections is a relatively detailed and complex system and its effect appears definitely in the outcome of these elections. The integrated list-system (essentially individual, majority-principled) of small settlements is perfectly fitted for the purpose that those persons should get into the representative body who are locally well-known and have won the confidence and respect of the citizens. If a representative post opens it will be filled automatically by a member of the list. This member represents less number of voters and less legitimacy. This rule is questionable.

Direct election of the mayor is also a democratic procedure in itself and it is in accordance with the model of a strong mayor. But it is definitely a negative consequence, however, that the mayor, when elected, gets into a defenceless position, unilaterally subordinated to the body which exercises the rights of the employer towards the mayor. Actually, in settlements with population number less than 5000, the body is entitled to

decide whether they employ the mayor „elect” full time. Among the causes of a mayor's resignation this is particularly common.

The election mechanism of larger settlements is more favourable towards the parties. Though other social associations also had the opportunity to enter for the elections the results definitely show the lead of the parliamentary parties. It is no wonder as parties have got the routine of a parliamentary election and much better communications and financial conditions in the background. The roots of associations of the civil society were not strong enough to achieve considerable influence in a party-dominated political mechanism.

Therefore the large proportion of representatives tied in with parties was almost a necessity called forth by the electoral system and local social conditions. Several answers can be found why the parties of the parliamentary opposition took the lead but it has little to do with the regulatory characteristics of the system. So I do not wish to deal with it in this paper.

Much more important is the rule that, in larger settlements, the mayor is elected or „called in” by the representative body and he (or she) is not even required to be a member of the body. One of the problems of this regulation is that the indirectly elected mayor is a „strong mayor” though he has almost no social legitimation. The other problem is that the freedom of the mayor to manoeuvre is very limited if he is „linked” to the body or to certain parties in majority.

In practice the party-based working of representative bodies has ended almost in a failure, independently of the diversity, let us say „flexibility” of the coalitions having emerged after the elections. Party-mindedness in the operation of the bodies naturally brings about distrust and monopolistic tendencies.

The operation of parties can inevitably be characterised by centralism and by the leading role of central party organs. The content and intensity of this can be very delicately detailed and is periodically fluctuated. The scope of action of local party organs is evidently limited by central party-influence and their attitude becomes biased and distorted by ideology or party-interests. All these reduce the ability of local party organs to compromise and to be flexible within the representative bodies. A greater problem is — and it is not easy to correct — that the nearly exclusive participation of parties in the bodies has really excluded other social associations and interest groups from institutionalised local politics. So the basis

of information and legitimation of local government decisions is smaller than the optimum size.

If parties prevail, the above mentioned phenomena are unavoidable and appear in the practice of Western European countries, too. But in Hungary this symptom is worsened by further problems. Normal cycles of party-operation are determined by elections therefore the activity of the parties decreases around the middle of the electoral period. In Hungary, however, the defeat of governing parties in local elections and non-consolidated macropolitical conditions cause party-fighting in local politics to be much stronger than usual.

In Western Europe lawyers, experts of political sciences and local governments say that openness and direct participation of professional and public interests in local government decisions are essential elements of local politics. It is so not only because the function of local governments is extremely complex and can hardly be categorised into ideological clichés. There is the media, direct participation and other correlating institutions to correct and complete the predominance of parties. Unfortunately, in our country there are no — or very few — such pursuits in spite of the fact that the *Act of Local Governments* guarantees much freedom to build the institutional system of local democracy.

For various reasons committees play a key-role in the operation of local governments. The committee, as a more efficient organ of a few members, is well fitted to reconcile political (body) and special (official) standpoints, to prepare decision-making and to organise and check implementation. The committee can face this function only if special and other organisational aspects appear in its structure. With disregard to this concept, many local governments in Hungary set their committees up on the base of party-parity ignoring special branch considerations. Even non-elected outsiders are chosen with a view to parties. A body exposed to party-interests and contaminated with distrust is very reserved in delegating competencies to committees. But without these competencies the work of committees becomes formal and unimportant. A further sign of distrust on the part of the bodies that they delegate competence neither to other organisational units nor to the mayor. In towns one can find that a great number of the submissions bypass the office. This self-imposed seclusion of the body evidently brings about many dysfunction. The sessions of noisy personal debates drag on because of too many and often unpre-

pared items on the agenda. Efficiency decreases often to inability for decision-making. Unsettled decisions must often be revised and it occurs that dilettantish decisions get lost in the turnings and twisting of the passively resistant office. The attention of the body disintegrates and finally disappears in the unprepared and unselected series of important and unimportant, individual and conceptual decision-making. This syndrome transgresses the bounds of the city hall and the lack of internal division of labour and power endangers rationalism and the effectiveness of local government working.

In principle over and above democratic elements, institutions of direct participation have an important role in local government politicising. Regulations by the Act of Local Governments give them a relatively large scope of movement and within the frames of freedom to establish organisations, local governments themselves can establish relationships in various forms with local society. However, it seems that institutions of direct participation will not gain significant standing either. While a considerable reservedness can be observed in the electoral behaviour of citizens (mainly in cities) — and it is not necessarily the case that they are uninterested — in the case of institutions of direct participation passivity is typical both on the part of local governments and local society. Local governments — because they look upon their legitimacy as a four-year *fidei commissum* — do not feel inclined — except in obligatory cases — to hold local referendums, meetings and public hearings. The most saddening thing is not the fact that the leaders of local governments do not show a preference for more democratic and more open local policy-making but the fact that they cannot recognise that openness in politicising is essential for effective and expedient decision-making.

Meanwhile in Western Europe there are numerous efforts to draw local public administration nearer to citizens, not just so that citizens should feel more comfortable or because of a demand for democracy but because decision-makers can obtain the most useful information through direct relationships.

Hungarian politicians in local governments, however, seem not to want to seek communication with local society.

Obviously the absence of the local community is typical of larger settlements as in villages there are no secrets about the activity of the

small body or that of the officials. Anyway, resignations of mayors, the absence of voters in by-elections are not by any means hopeful signs.

The question arises: why should one be impatient? Even democracy has to be learned. No doubt, the lack of political culture, the reserved attitude of citizens towards politics and the innumerable uncertainties of the transition do not encourage the progress of local democracy. At the same time one must not forget that establishing the organisational frames of local government principle and formalisation of local power alone are not enough to create democratic conditions of power. This is why, it seems, development of local democracy must be promoted and driven politically and — within limitations — also by legal regulations. So, for example, it cannot be looked on with folded arms that organisations of civil society waste away amidst over-ferve party-fighting. Paradoxically, as a consequence of over-paternalism of the state or local governments, non-profit organisations, initiatives can not take shape. They would be able not only to substitute the former hegemonic state and soviet system of provision but they could give opportunities to charitable, cultural, etc. groups of the society. Democratic roots of local governments are essential, not only from the point of effective, optimal decision-making but also because harmonious division of labour in organising and carrying out local services can be made only in close relations with local society and economy.

At the next elections efforts should be made — first of all by amending the electoral system — that, along with a slowly solidifying party-structure, the countless forms of interest groups, professional alliances and social organisations should be reorganised and they should obtain representation (power if you like) both on national and local level. The same would be desirable in the case of experts, personalities and the so-called independents, especially locally. If organisation of non-party-centric alternatives of political socialisation will not start in the near future, it is to be feared that the next elections will be unsuccessful because of low participation. (Liberalisation of legally regulated rates of participation would be — in my opinion — a cynical and anti-democratically technocratic answer.)

The working of local government systems up till now shows that the local government organisation does not become democratic and open automatically therefore it must be forced upon it. In certain aspects, citizens have to be protected from local power and guarantees must be given

them that they can realise their rights to local governing. Let us not forget that „checks and balances” of the relative independence of local governments from the state are participation and control by local society. Without this — as many have pointed out — local power degrades to the ruling of local petty „monarchs”.

A point of great nicety is how to compel a local government to function democratically and how efficient this could be. The Act of Local Governments contains binding elements (for the cases of local referendums and hearings) but this is not enough to guarantee that the local administration will function continuously „close to the citizen”. However, such a regulation is feasible whereby competencies should be automatically delegated to obligatorily established committees or that in certain cases of local government decision-making, compromises would be obligatory. To order more democratic and open politicising by legal regulations, after all, is a paradox.

Local governments themselves have to find their own place „in space” and also in local society, they themselves have to establish their own relationships for co-operation and association and their own local social and economic partnerships. The failures of a closed up and autocratic working of local governments and the more deliberate attitude of local society would further much more local democracy than any legal regulations.

In any case, political and legal limitation (that is public control) of local power is as essential a function today as it used to be in the hierarchic soviet system based on monolithic party-ruling.

The fundamental difference between the two models is that in the case of local governments this is a realisable objective while in the case of the soviet system these were only big words.

THE REGIONAL STRUCTURE OF STATE ADMINISTRATION

The local government system in comparison with the former — soviet — model of regional administration brings about the opportunity for a much more decentralised state organisation. The explanation the constitutional law offers is that local governments are relatively more independent from central state organs than the hierarchically organised soviets. These were integrated into the implementation structure of the socialist state based on the unity of power. Here it is unnecessary to speak about the evolution of local government independence. However, it should be noted that within or parallel with local government systems there has always worked — and is working — a deconcentrated regional system of state administration. In the 19th century, at the period of the formation of modern civil states local governments were integrated into the state mechanism. Then they did not assume all regional functions of the state. There have always been state functions which demanded a hierarchic structure which is classically characteristic of state administration. Such functions are, for example, administration of defence, taxation and financial affairs. The inner logic of deconcentrated state administration has always been that to complete successfully certain state functions a uniform and „servile” implementation is needed. It is in the common interest that these tasks should be uniformly performed everywhere and towards everybody, following the path of bureaucratic rationality and not that of local democratic consideration. Another reason for deconcentration could be that the state undertakes such functions which should be uniformly realised towards everybody, unrelated to their place of residence and the capacity of the given local government. These functions are the following: social policy, public health care, education, etc. There are many factors to determine the division of tasks and competencies between the local governments and the state organs on the territorial level and their proportion will finally decide about the extension of state decentralisation. In many states certain state functions are conducted by local governments on behalf of the state. By all means, local governments have a wide scope of competence and a general authority for local issues. At the same time there are some state structures where dozens of separate state-authorities function parallel with the local governments. Some of them have quite strict control over the working of local governments. The interesting thing is that the level of centralisation

can be similar in entirely different types of state structures, for example in Great Britain and in France.

In the case of the soviet-type regional administration power on regional level does not separate into representative (local governmental) and state administrative spheres. The most diverse functions are amalgamated in the system of soviets from representational politicising through controlling companies and organisation of services to individual-purpose tasks-management, keeping the whole under representative control, for the socialist state is not distrustful of regional level soviets. This is why extra deconcentrated apparatus of state administration is not set up. It is so, also because the state could govern and control the whole mechanism of the soviets after regional administration had been arranged in hierarchical order. Therefore in 1990 the local government model came into an almost totally unified system of regional administration. From the point of this heritage we should highlight another characteristic element of regional administration of the past 40 years.

The Hungarian system of soviets functioned not only as a unified but also as a territorially very integrated and concentrated organisational mechanism. It was characteristic in the administration of small villages, of the gravity zones of the cities and also in the administration of cities. The high degree of integration has probably increased the effectiveness and skill of the administrative work but it has also resulted in a large „deficit of democracy” and has taken away the political element from the operation of the soviets.

The most important centres of the integration were the soviet-type county councils which penetrated the activity of local soviets. Such functions of the county councils were legal control, conducting the operation of specialised administrative authorities, distributing financial resources, being the forum of second level, top services and main investors.

These preliminary factors — in my opinion — have influenced the codifiers of the Act of Local Governments at least as much as the local government models of Western Europe or pre-war Hungary. There are two aspects in the trends of the Hungarian local government system which are almost totally opposite to those in Western Europe. The two facts that, firstly, the efforts of villages for absolute autonomy and autarchy and, secondly, that regional governments have lost all their ground are the tendencies in contradiction with Western European models and processes.

However, the aforesaid is in itself a phenomenon neither positive nor negative.

Still, the experiences of the past one and a half years indicate that a disintegrated regional administration might bring about many disadvantages. Let us see which institutions, regulations and concepts have led to this situation.

1. The Separation of Regional Tasks into State and Local Governmental Sectors

The most important question is whether the Act has designated the boundaries of local government and deconcentrated state administration. In my opinion even its legal regulation is questionable but the practice of state-construction, that is the expansion of deconcentrated organs, since the time Act came into force proves that there are no constitutional guarantees for the local-government-dominated regional administration. The Act of Local Governments declares: the local government *„independently acts in local public issues coming within its tasks and competencies”*. The definition of „local public issues” is not precisely formulated: *„these are in connection with the following issues:*

- *to provide citizens with public services,*
- *local government type exercising of executive power,*
- *local production of the organisational, personal and financial resources of all the above”.*

Later the Act declares: *„The bindingly prescribed and voluntarily undertaken tasks and competencies of the local government embrace a wide scale of local public issues. Exceptionally the Law may delegate a local public issue to the tasks and competencies of another organisation.”*

It is clear that concepts are used quite nimbly and the interpretation will play too important a role. Especially the interpretation of local public issue and the possibility of „exceptional” delegation to another organ makes the question undecided: can local governments protect themselves with means of the constitutional law against the nationalisation of regional-local functions?

The uncertain regulation, the tendency towards centralisation by the state government and the fact that the ministries uphold their position for

a direct management have all started an energetic progress for deconcentration. Characteristic features of this process are eventuality, direct manifestation of the ambitions of certain ministries and the fact that most of the „nationalised” functions could be found among the competencies of the former, soviet-type county councils. So in this respect the elimination of the „power on county level” has increased not the competencies of local governments but those of the central and local state organs. In principle the following aspects determine how to separate the tasks to be delegated:

- some of the tasks — by their nature — are better not to be exposed to the influence of local interests,
- uniform management of them is a national interest,
- successful implementation of them cannot be allowed to depend on the various conditions of local governments,
- some of them demand a special knowledge.

This is why it is more rational if the management of taxation, national defence and national health care is delegated into the competence of the deconcentrated state administration. The mechanism of local governmental decision-making asks for an entirely different way of thinking. It is local characteristics and consideration that play the decisive role in this procedure. Local decision making takes into account the aspects of local political interests just as much as those of efficiency.

A good local knowledge and a demand for local identity and democracy is essential in the workings of local governments. This is why a local government organ is best fitted for the tasks of forming the living conditions of the settlement, local development, supply for the citizens, public education etc.

The proportion of the decision-making model of local governments and that of deconcentrated organs depends mainly on current political tendencies and on the efforts of the national government for centralisation and not on special rationality. It is the same in Hungary too. Since the time local governments got formal legal independence for decision-making from the state the central government has had a tendency to narrow the reach of the local governmental sphere. The outcome of the local governmental elections might have increased the distrustfulness of the central governmental power towards local governments but in the end it is the traditional *state versus local government* conflict that can be found in

the background. The situation in Hungary is more problematic as local governments have got much fewer chances and resources in this fighting for power and authority. The central power — lacking a coherent concept for state-construction — organises the deconcentrated regional system determined by the interests of the sectoral ministries. Ministries are satisfied that their special and political interests will be realised only if the „sectoral” tasks are carried out by organisations directly subordinated to and continuously manageable by them. One by one, almost every ministry sets up its local „agency”, authority. The majority of these organisations administers positively the so-called local public issues. At the period when the system of soviets was established a definite objective was to unify the state administration. The public administration in the *Horthy-regime*, especially from the nineteen thirties onwards, showed a preference towards the establishment of deconcentrated organisations to push local governments — especially on county level — into the background. The overgrowth of the deconcentrated organisations appeared to the citizen as a completely confused system of decision making forums. The organisation of the unified and uniform system of soviets — among others — was aimed to eliminate this disintegrated and uncoordinated system. It was definitely a positive feature of the soviet system that it was clearly arranged for the citizen (and naturally for the superiors), it had a uniform, easy-to-manage information system and most of its decisions could be controlled by a representative organ.

It seems as if the present organisation of the public administration does not take into account these not „system-specific” but most rational points of view. The unified regional administration has disintegrated into many independent decision-makers, increasing in number. In this conglomerate co-ordinative and integrative relations are not regulated and directed. The whole thing has slipped out from the control and influence of local society.

The virulence of the deconcentrated public administration has a negative bearing especially on the county level as a unit of local government. If we survey the deconcentrated organisational mechanism it will turn out that most of them have got the competencies of the former county councils: TÁKISZ (budgetary and information office of the Ministry of the Interior), offices of agriculture, job centres, offices of the „Representatives of the Republic”, environmental organisations etc.

So if we closely examine the practice in competence-delegation it will come out clearly that the decision-making competencies have slipped onto a higher level — and not to a lower one — local governmental principles or not.

In the deconcentrated institutional mechanism we should turn our attention in particular to the *Representatives of the Republic* and their ever increasing power. As is well known, this organisation and post have got into the Act of Local Governments as the result of a considerable political compromise.

Simply legal control cannot be exercised by the local government organisation as it is not in accordance with the inner logic of local governmental principles. The aim, more precisely the alleged reason, was that the tasks of legal control of local governments and those of the second level of individual-purpose tasks management should be delegated to an outside organisation with purely an administrative character. The parties of the opposition crossed the plan that this post should be fulfilled with the ill-famed *Lord Lieutenant* of the pre-1945 era of the Hungarian public administration. This is why this post has been constructed so that it is the President (and not the Government) who nominates the Representatives of the Republic and their offices are organised on regional basis instead of county basis. Real practice, however, has overstepped the announced aims and frames very long ago. Beyond the President's formal right for their appointment the Representatives of the Republic are definitely bound to the Government and to the Ministry of the Interior. Their commitment was based clearly on political considerations. The competence of these organisations is far from limited to legal control which means a considerable power and influence in itself.

Based on the flexible regulation of the Act of Local Governments more and more state-administrational competence was delegated to the Representatives of the Republic. Moreover, by a recent governmental declaration they have got such tasks which are quite far from the idea of neutral public administration. Namely a demand has arisen for the co-ordination of the workings of the local governments' and the deconcentrated organisations of a region also from the aspects of regional and local development and those of local implementation of regional programs of the central government.

Lately the Representatives of the Republic appear in such forums and form such opinions which indicate that they are not neutral authorities anymore with primarily legal control functions but they can be characterised as regional centres of power. Politicians of the central government more and more frequently speak about *regions* in a way as if those territories under the competence of the Representatives of the Republic meant more than a unit of public administration, as if these were „organic” regional levels of the Hungarian state-development.

It would be a very dangerous tendency if the future model and the territorial structure of the Hungarian regional administration were determined by the demands of the central power. Let us not forget that the Constitution says no more than: „*the Government guarantees the legal control of local governments... d) by the Representatives of the Republic with the co-operation of the Minister for Home Affairs*”(35 § (1)).

Summing up, my opinion is that the model of the regional administration is not settled yet by the constitutional law. Local government and state-administrative spheres coexist. The development of their relations is subordinated to current demands as there is no mutual understanding in the future model of state administration.

2. Counties' Position in the Local Government System

During the period when the Act of Local Governments was being drafted a general desire was that the future regional level should essentially differ from the characteristics of the former soviet-type county council. This general anti-county attitude was natural then because the county council represented the main obstacle to local independence, for everybody, especially for the settlements. The county council as part of a hierarchically organised administrative structure was in an extremely ambivalent position already from the aspect of the constitutional law. That is according to the *Council Act*, the county council had to be eligible for the local representation of central power and for the protection of local interests at the same time. Its structure was in accordance with these contradictory functions. The executive committee of the county council exercised legal and special control over the local soviets. The county council's official structure was set up on the basis of the central sectoral structure. At the same time it had a body where the members were delegated by the local soviets

so this was the forum where the mediation and representation of local interests took place. This mechanism, working under pressure from below and above at the same time, necessarily led to dysfunction and to a shift in the centre of power. The activity of the representative body became empty and formal. The lobbying mechanism for local interests was aimed at the official apparatus and at the officials of the county council. The central administration practically „swallowed” the official, implementing units of the county level in the interests of the realisation and „collection” of central expectations. On the one hand, the leaders of the county council made definite efforts for lobbying and for realising the interests of the county as a region against the central organs. On the other hand, as being the county level of the allocation of resources, they continuously came into conflicts with the representatives of non-preferred regions and settlement-types. The situation was further complicated by the role of the county-level party-management. County councils undertook the tasks of organising and solving the infrastructural problems of the region while the county-level party-committees — by their economic-managerial functions — influenced the economic decision-making.

The role of the county-level — as it clearly has come to light — was contradictory as a result of the administrative structure already. In many (legal and sociological) aspects it acted under pressure. (It is apparent in the twofold existential dependence of the officials: as elected leaders they were bound to their own representative body but as officials to the superior level of state administration.)

But in my opinion the content of the county-role in the system of soviets was specified much more by the given mechanism of distribution and economy and by the official policy for regional and local development. The county level played a very important role in the central redistribution mechanism, especially until 1984. Within the frames of the priority-system for development in power the conditions of settlement development depended on the decisions of the county-level. As it is well-known it was the county's right to point out the lower-grade centres and to resolve the roles in settlement development and supply, primarily in the case of villages. Besides, the allocation of resources for regional development and distribution of directed state-subsidies within the county was among the county's tasks. But in contrast with the public belief the scope for county-level movement was very limited. With their decisions they could not

serve — *de jure* — anything other than central infrastructural and economic priorities. Counties tried to assert the interests of their whole region for development in the central decisions on distribution, first of all with informal lobbying methods. At the same time, on the one hand, they savagely fought against the rival counties, on the other hand, they had to undertake the often unpopular role which goes with local allocation of the seized resources.

The earlier role of the counties underwent a considerable change after 1985. This change was effectuated by the liberalisation of economic regulations, by the introduction of normative methods into the distribution and by the modification in the regional development policy. Discretionary decisions in distribution have lost ground but it is worth mentioning that it occurred at a time when resources for development had already decreased to minimum.

The antipathy towards the county-level of the soviet system is caused by various complicated reasons as the above shows. This is why it is an oversimplification to declare that the subjective attitude and „county policy” of the county-councils adversely affected the interests of local soviets. Dependence of local soviets was brought about by the immanent characteristics of the soviet-type administrative model and by the distribution mechanism where the county-council was only a cog — and not even an important one — in the machinery. I emphasise this because the simplification of the county-problem has had very deleterious effects on the formation of the local government regulation.

Each of the county-alternatives drafted by the experts or by parties took a decreased-power county-model as a starting point and looked upon the maximum independence of local governments as an „axiom”.

Not only a traditional antipathy towards the county but also a persistence on the classical interpretation of the local government principle helped to develop the above attitude. The starting point of legislators was that it is the local community which is originally entitled to the local government rights so the basic unit of the local government system is the local government of the settlement. Every local government unit other than that of the settlement can play only a complementary, a so-called *subsidiary role*. There were such county-alternatives which did not regard the middle level as a local government unit. One of them wanted to delegate middle-level functions to an organisation working as an association of settle-

ments. By another one the middle level should function only as an „official” state-administrative organ.

Fortunately the third one has got onto the Act of Local Governments. The county is a local government unit which undertakes functions which local governments of the settlements do not want or are not able to undertake. The local government of the county is „equal” (if not second) in rank with that of the settlement.

The disadvantageous starting position of the local government of the county can be seen already in the basic legal regulation. Let us start with the election itself as the basis for legitimation of a local government unit. The local government organ of the county is set up in an indirect „electoral system”. It means that its legitimation is „secondary” originated from the local governments of the settlements. Though — in this sense — the county-level means the representation of local governments of the settlements but just this connection (between the county and the settlements) is uncertain.

On the one hand, not every settlement's local government is represented in the county-assembly. The proportion of representation is especially low in counties with many small villages. On the other hand, the law does not regulate the direct relationship of the local government of the county with that of the settlements taking rigorous care that the independence of local governments of the settlements should not suffer any abridgement.

The fact that the county's local government is second in rank can be traced also in the model of function- and competence-delegation. The county is entitled to manage such functions which extend over the territory of a county or a district. But any settlement's local government can voluntarily undertake the management of any county-function, alone or in associations. In this regard the functions and competencies of the county may change in time and in space. It is being altered by the decisions of the settlements' local governments.

The third element to limit the activity of the county's local government is the legal regulation for the legal status of *towns with county rights*. It is worth mentioning perhaps that at the period when the Act of Local Governments was being drafted the experts followed the principle that there are cities with regional functions and their regional role should be backed with some extra regulation.

The majority of the proposals concerned only a narrow sphere: only those cities which had a regional gravity zone. What is more, the majority of the experts insisted that the special legal status of the cities should be institutionalised in partnership with the counties.

In this regard the decision of Parliament — affected by a good deal of subjectivism and improvisation — extended the legal status of towns with county rights over too wide sphere without reason. Moreover, the conflict between the local government of the county and that of the town with county rights became almost institutionalised by the fact that they are not represented in each other's body and these local government units are doomed to rivalisation by Parliament's decision.

So if we survey the basic regulation concerning the county-level in the Act of Local Governments we can see that within the local government system the county has suffered grievous losses of its former prestige and power. It was primarily caused by the former anti-county atmosphere and by the absolutisation of the independence of settlements' local government. If we limited our analysis exclusively to the local government sphere we would have to say that a firm decentralisation has occurred in the regional decision-making mechanism. The aims of it are to be welcomed even if they are not unambiguously rational in regard to reality. But other tendencies in state-construction give the problem quite different dimensions. Pushing counties into the background and into uncertainty is much more the instrument and the proof of an etatist and centralising tendency than that of liberation of settlements' local governments from county-oppression.

Among various analytical dimensions of the territorial middle-level international bearings are also important but only in that case if we want to build a structure compatible with Western European systems of decision-making.

Western European local government structures are created by a development over the centuries. At the period of the bourgeois transformation when local governments of the modern public law were established settlements were the central units of local government systems. Urbanising processes of the 20th century, increasing role of the state, professional interest for rationalisation of public administration and the demand on the state's part to influence and plan regional development especially in the second half of the century resulted in forceful integration tendencies. The

territorial-organisational integration manifested itself, on the one hand, in the elimination of small settlements' independence and in the formation of optimum-size units of public administration and also in the increasing importance of regional administrative-local government units. This process was the basis for the formulation of a new paradigm in the late 1970s and throughout the 1980s: the concept of *Europe of Regions*. International regional co-operation has destroyed the rigid bounds of international state- and government-centric relationships and has opened new doors for the co-operation of state and local government units of the regions.

In Hungary, following the systemic change and the construction of the local government system the prospect for regional cooperation has opened up. The intensity of relations is determined, however, by the Hungarian territorial structure and the present model of power-division. The international challenge — among others — requires an urgent revision of the county and regional decentralisation problem. Western European countries offer plenty of experiences in solving the problems of regions.

In Western Europe, in the 1970s, drastic public administrative and regional reform measures were launched almost everywhere. As a result regional governments and administrative units have been strengthened in competence and in financial conditions. In accordance with this in Great Britain the counties have emerged as key units of the system. In the Netherlands 11 provinces and comprehensive multifunction associations of townships exercise regional functions. In Italy 20 regions and 94 provinces; in France 22 regions and 96 departments, in Spain 50 provinces and 17 domains, in Sweden 23 counties, in Belgium 3 regions, 9 provinces and 43 districts tend to be bound stronger to local governments and to undertake the political representation of the territory-region. The provinces and cantons in federal countries (Germany, Austria, Switzerland) carry specific „state” quality. It occurs that within some of the provinces and cantons representative-local governmental units (districts) develop parallel with administrative territorial units (boroughs).

It is interesting to mention Finland where there is no regional local government level. While still the experts constantly bring to attention the lack of this level Finns try to solve functional disorder with diverse forms of association.

But remaining within the boundaries of our immediate environment we can say that the public administrative reforms of the former socialist countries have not completely destroyed the regional level.

However, we should not forget about the other trend of the European regional integration, namely the various forms of centralisation. Besides classical deconcentration (where territorial organs with general or special competence, subordinated to the centre, „lure away” originally local government functions) more veiled forms of centralisation come into being. The more and more strict forms of legal and special control, the overburdening of local governments with state-functions and especially the centralised redistribution mechanism all fortify the influence of central organs. An effective power-balance against these tendencies can be produced only on regional level. The fierce fight in every country for nationalising regional administration and for just the opposite of it that is for strengthening its local government-, representative-character is not a mere accident.

European regions show specific interests towards the regions in the former socialist countries of Central Europe.

A sub-central government level of international relationships has come to life in the areas of public administration, culture and economy. This fact strengthens the conditions of the co-operating partners also in their fight against their own central administration. But direct regional co-operation is rendered more difficult if the partnerships are not made clear and if the co-operating partners have different competencies and economic resources at their disposal. Evidently, the problem in its entirety cannot be solved. For example, the local government of *Vas County* cannot be brought into the same position as the Bavarian Province. But the situation cannot be kept up for a long time that Burgenland has two Hungarian counties and three Hungarian towns with county rights as partners in Hungary at the same time. These rival with each other in many aspects even if they do not declare it for the time being. But we also should not forget about the blunt fact that Western European regions want only representative units as partners. If we survey the content of these regional co-operations (for example the Alps-Adria Working Community) it also comes to light that only partners with general regional authority and a good information and relation system can take part in the co-operation.

Present Hungarian regional administrative structure can face the European challenge only at the expense of great compromise. Although international relationships of counties (especially in *Transdambia*) have livened up greatly, these may degenerate into mere official tourism if the co-operations will not bring about the expected, primary economic results. The present system of means standing at the counties' disposal is not enough to the economic management of their area and to perform an extended marketing activity. It is true even if their role were limited to co-ordination and mediation. As it is well known the activity of counties has formally lost the connection with their basis of information, namely with local governments of the settlements and also with the economic factors of their region. By the above I do not mean the former relation system which did not amount to much more than making local soviets to give account periodically or influencing state-owned companies politically or as founders. It is a regional manager-centre, mediating information, co-ordinating and partly developing that is missing. This should be able to represent flexibly — but not with profit-interests — the autonomous local government and economic elements and orient their activity.

The Act of Local Governments offers five models for how to manage the functions which exceed the boundaries of the settlement. Primarily — following the inner logic of the Act — the local government of the settlement can perform alone regional functions. The reason is, on the one hand, that the Act — parallel with recognition of the equality of local governments — indicates that larger local government units may get more competence. On the other hand, the Act makes possible to any local government to undertake voluntarily the performance of such functions which may have otherwise been delegated to the competence of another local government organ. In this case the local government is entitled to its share of the state-subsidy, too.

The next organisation model for performing regional functions is the association. Local governments can form associations to perform the compulsory or voluntarily undertaken tasks. They can elicit the competence of another local government this way too.

The next one on the list is the case of towns with county rights. They can perform — within their own territory — the functions which were otherwise delegated to the competence of the local government of the county.

By the legal regulation the county was primarily intended to perform the tasks that local governments of settlements can not be compelled to do. (I could not find any traces of the normative regulation of this sphere so in this sense this definition is a tautology: the county performs the tasks the settlement can not be compelled to do; the settlement can not be compelled to perform the tasks which are in the competence of the county!) However, the Act puts the organisation of regional-type public services into this sphere if the majority of those who apply for the service do not live within the territory of the settlement where the centre of the service can be found. This rule — already through the interpretation of the concept and in practice as well — leaves the services in the competence of the county which function in settlements with small numbers of inhabitants. Usually they are not towns. Another feature of these services is that they are special ones which can be effectively and comprehensively utilised only on county or regional level. But even this general regulation can be ruined by the next paragraph of the Act. It says that the local government of the settlement where the centre of the service is seated can undertake the management of the service if the local government proves that the majority of those who use the service were the settlement's own inhabitants in the preceding four years.

The above introduced four types of the delegation of regional tasks and their relations to each other foreshadow a very disproportionate and incidental system in the management of regional tasks. The question which services are managed by the county depends essentially on the decisions of the settlements' local governments and this may be altered as frequently as in every year. The experiences until now show that — especially — the towns stick to services which increase their prestige. But they try to get rid of those which operate at loss and primarily supply rural areas (homes for the elderly, students' hostels, vocational secondary schools).

This ever-changing function-management will hopefully get stabilised after a while when the conditions of management will be firmly established. It is predictable that most of the regional services will be managed by towns. In the system of regional function-management deconcentrated organs can also be considered as consolidated factors.

To sum up, if we limited regional functions to the management of regional services very few functions would remain with the counties. But

the scope of functions to manage — and which can be managed — on a regional scale is much wider and the management of services within it is not even the most important one. The legal regulation of competencies, tasks for regional functions is rather roughly drawn for the time being. It may be natural from the aspect that the most pressing demand for putting in order the competence-delegation appeared in the area of operative works which affects citizens closely and every day. Another question is that during the one-year-long working local governments should have realised the fact that one cannot make wise decisions neither in matters of detail nor in operative issues without future prospects and strategy of activity and without a diagnosis based on detailed analysis of the objective situation. Without all of these haste and improvisation may become the style of working. This may cause extraordinary losses in the long-run functioning conditions.

Besides the lack of a long-run way of thinking a fundamental problem is the negligence of „thinking in space”. Those who are involved in the workings of the local government system are absorbed, almost everywhere, in their own immediate organisation problems. Most of them could not establish a co-ordinative mechanism even within the boundaries of their own settlements not to speak about the scale of small-regions, towns, gravity zones, counties or regions. It is a kind of disintegration when the former territorial units with an administrative attitude and integrated by administrative methods fall apart. This process of disintegration will bring problems into the light when the organisations of supply will be reduced to their atoms, after having settled the conditions of ownership and competence and when the *inertia moment* of the former strict integration will completely disappear. Only the local government-type management-mechanism would be able to prevent these processes but not without direction, orientation and motivation. This is the „virgin land” that counties — for want of a better area of movement — should occupy. At present counties are those organisations that are able to stop the enormous gap in co-ordination, information, planning and management. The professional apparatus of counties is relatively continuous, what is more, it is not overloaded with administrative and individual-purpose tasks. As counties emerged on representative basis they are most destined for performing their activity with an attitude for representing and asserting their interests. Another question is what preconditions are missing for this new-

type functioning. The most important of these are perhaps the comprehensive, thematically arranged and processed information. Some of the counties were not shy and have built up, more precisely have kept up direct relations with the settlements. Others, however, are modestly satisfied with operating their own body. The information system which has got into the competence of the deconcentrated administration (TÁKISZ, for example) has the purpose of serving exclusively the demands of the central administration. It is neither suitable nor available for regional local governmental and economic decision-making.

Complex, conscientious, skilled and — in a good sense — biased handling of economic and crisis problems of the respective regions can be expected also from the local governments of the counties. There is no question that counties should have financial resources exclusively for regional problems at their disposal. There is no question either that profit and non-profit type manager organisations and the central government should not be allowed into this scope of functions. And in particular there is no question that counties should be the top entrepreneurs and owners in the regional economy. Aspiration for omnipotence and such a monopolistic position is out of question even for a unit of local government type. One has to recognise, however, that such a multifunctioning, co-ordinating, planning unit of the system is badly needed. This would be able to integrate, catalyse and bring closer — to some extent — sectoral, state, local government and market-economic efforts on regional level.

For the alternative of the local government of the county is at present the Representative of the Republic. A not very secret purpose of central government is that the Representatives of the Republic should get regional developing and co-ordinating functions besides their comprehensive state administrating tasks.

It is mutual interest of the local governments of both the county and the settlements to stop the efforts towards the nationalisation of regional functions.

As I have mentioned the central government has gained advantage in this regard. They did not wait for the regulation of competencies connected with the act of regional development but — by a governmental decree — expanded the offices of the Representatives of the Republic with regional co-ordinative tasks.

In my opinion any type of competence-delegation in itself is not enough to stop counties in more offensive undertaking of functions. Local governments should realise already that within the local government system they have further opportunities for active working beyond the mere possession of administrative state competencies. (What is more, Western European local governments complain that they have too many compulsory tasks, especially state administration, so they have no capacity remaining for voluntarily undertaken tasks which give the very essence of local government work.)

Most of the regional tasks, however, are alien to classical public administration. These, to a greater degree, call for the entrepreneurial, managerial character, typical of local governments. Consequently, counties also have to break with their former working methods. They should form more flexible, more initiative, manager-type behaviour and methods.

Another problem is whether the present structure and order of counties is optimal from the aspect of the place of appearance, the scale and the demand for information of regional functions. It is not at all unlikely that differences should be eliminated not inevitably by public administration and territorial reform but by a much more flexible and extended system of associations. Regional co-operation of the counties is to be welcomed though this could be formalised not only in associations for asserting and protecting of common interests but also in those of local governments.

Counties will rise only if they emerge from the narrow bounds of their organisation and normative competencies and undertake outright the special, informative and political co-ordination of regional progresses. In Western Europe regional policy has undergone — and it is undergoing today — a change in its model. Its essentials are the following: decentralisation, utilisation of regional and local identity, mobilisation of endogenous resources, differentiation in the regional system of objectives and priorities. In making this progress the role the state plays is considerable — and in Hungary this role will be hopefully the same — but by all means it has a subsidiary nature. That is the state appears only in those areas — and only to the necessary extent — where regional and local resources are insufficient. If our objectives in regional policy are similar to the above we have to draw the consequences both in the area of power and administration and that of the allocation of economic resources.

3. Further Phenomena of Disintegration in the Local Government System

The fact that counties are thrown into the background would not be so distressing if towns and central-position-settlements filled the gap and they undertook regional, small-regional and gravity-zone integrative functions. Towns would be marked out to this by the freedom in undertaking functions and by the „separated” regional function. But there is nothing to compel and to stimulate them to do so. The former practice in settlement policy and in the organisation of supply connected the administrative rank with the field of settlement activity: a higher rank meant a normatively set responsibility for supply. The district systems which were administratively held together have disintegrated. It was foreshadowed by the emergence of the so-called *surroundings of towns*, in 1984, connecting towns and their surroundings only officially. Towns could not fulfil the task of administrative territorial organisation in that area nor can they now. The majority of towns I examined in the last one and a half years have not established deliberate connections based on some kind of agreements with their surroundings. If they did so those connections were born rather of necessity than of realisation of common interests. Small villages of the agglomerations try to find rather a smaller decentre in the neighbourhood as administrative partners. I myself have not heard about the existence of co-ordinated associations which embrace the whole gravity zone of a town. There are targeted associations aimed at certain communal and infrastructure services and developments but general co-operation and planning is not demanded.

Besides the present attitude against planning, the above phenomenon could be caused by the regulation of associations, too. Though the Act of Local Governments declares that associations are very important and, accordingly, they are legal entities, the regulation concerning them is not detailed and purposeful. It is not equal to the role associations could play in connecting atomised local government decision-makers with spatial systems of supply and development.

The organisation of associations, guarantees for the protection of interests of their members, competencies delegated to associations and possible cases of forced associations are the themes which should be accurately elaborated in the future regulation of associations. Without correct

and precise regulation local governments are afraid of losing their autonomy to an organisation which may become estranged from them and they do not recognise the advantages and necessity of associations.

The signs of disintegration have appeared also within the organisations for settlement' supply. Local governments have not yet found the suitable forms and methods of service-management. For the time being conflicts are typical between the manager local government and the services. The situation is even more agitating in that kind of service-management where the service is financed (and used) by more than one local government. It is also absolutely indispensable that the basic problems in the relations between the services of local governments and the consumers who use them should be regulated.

The consequences of atomised development policy — as one phenomenon of disintegration — will appear only in the long run. The present mechanism of financial allocation is the hotbed of non-co-ordinated decision-making in development. This dissipates resources; it cannot be programmed for a longer period of time and it cannot take into consideration the aspect of efficiency because of its centralised character and the distance of the distribution centre.

Summing up, we should say that the entirety of regional administration is formulated by a series of non-conceptual and casual decisions. These are neither rational nor spontaneous (it is to be feared that they are only too intentional). The position of local governments within the regional administrative system is not clear enough, what is more, it might be reduced. On the other hand, there are no constitutional and power limits against the expansion of deconcentrated public administration.

It is not easy, however, to speak up for the dominance of local governments and for the decentralised administration model if local governments themselves show serious functional disorders. Though the organisation's regulations of the local government sphere are set, for the most part, but the model itself is not „conformed to space” for the time being. The operational schemes and methods within the framework of the organisation are not settled. It seems, legal regulation is also needed to contribute to their formulation.

It can serve as a lesson for those who created and imagined the Act of Local Governments that one decision is not enough to construct clear, correct and logical schemes, neither theoretical nor organisational ones

(though our Act contains errors in its inner consistence as well). The delicate system of an act can be elaborated, refined and adjusted to the reality only by constant feedback to the problems occurring in practice and by gradual corrections. This procedure, however, requires such an attitude from legislators, politicians and researchers that they should be able to admit and acknowledge their mistakes and they should not kowtow to the naked king because they fear losing their credibility.

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