The Changing Landscape of Local Government in Flanders

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1. Introduction

In October 2018, municipal elections will be held again in Belgium. They mark the six-yearly highlight of local democracy in Belgium and Flanders in particular. However, the elections will be held against a background of an intensely changing administrative landscape. First of all, the local centres for social wellbeing will be integrated in the cities and municipalities. This means an additional burden for the new councils that will take office in January 2019. From that moment onwards, the local councils will also be responsible for all social issues on the local level. In the past the social policy was the responsibility of a separate council, that will cease to exist by the end of 2018. Next to that, the new legislature will start with the implementation of a new legal framework, a new decree that sets out the rules for local government. This decree introduces many new forms of management and new procedures to organize local government itself. Finally, new municipal mergers, for the first time in more than 40 years, dominate the political agenda in 15 out of the 308 Flemish municipalities. Indeed, 15 municipalities took the decision to merge with one or two neighboring municipalities. In this way, 7 new municipalities start of on January 1, 2019. This is quite remarkable, given the fact that the previous round of municipal mergers in Flanders, in 1976, was a highly controversial reform that took many years to be accepted by all the stakeholders involved. In this text we take a look at those 15 cases and try to identify the main reasons why those municipalities took the decision to merge. We also outline some preliminary conclusions about what the future will bring for the scale of local government in Flanders.

2. Trends in Structural Reform in Local Government: between territorial rescaling and functional redistribution

In their comparative assessment of the status of local government at the turn of the 21st century, Caulfield and Larsen (2002) discern a dramatic and sustained period of reform activity as a globally occurring phenomenon often ushering into conspicuous change. Some of these reforms can be determined as of the structural type in that they target the jurisdictional arrangements of local government (as opposed to the internal settings, modes and processes of local political and administrative decision-making). Aiming to alter these arrangements almost invariably impinges upon external multilevel constellations. Consequently, issues of structural reform are embedded in pre-existing and key to shifting central-local relations (Goldsmith & Page, 2010). Broadly speaking, structural reforms are often deemed as part-and-parcel of a common strategy to optimize the output-legitimacy of local government leading to a more effective and efficient production and delivery of public provisions and services in and under the authority of a hitherto delineated place-bound orbit (Vetter & Kersting, 2003a).
They tend to have a central top-down policy impetus meeting diverse local bottom-up responses.

Within this undercurrent however structural reform consists out of various (inter-related) components or subtypes. More in particular it can refer to intended changes in either the territorial and functional organization of local government and the trade-off that often appears to exist between them. The type is thus concerned with reorganizing responsibilities between given spatial jurisdictions, redrawing the boundaries of one or more of these political-administrative units or a combination of altering functions and territory. In the following paragraphs we will discuss these different subtypes, their mutual relationship and the common trends appearing in this regard more comprehensively.

Territorial reforms are mainly engaged with optimizing the scale for local services and provisions (often framed as a matter of enhancing governing capacity for effectiveness and efficiency) vis-à-vis guaranteeing communal identities and lowering thresholds for the democratic inclusion of the local citizenry (Denters, Goldsmith, Ladner, Mouritzen & Rose, 2014). It can be asserted that issues of territorial choice are almost perpetually on the policy agenda as reformers are embarking upon a perennial quest for a better fit between the scale of problems and that of government supposed to solve them. Fixes in this regard are prevalently temporary as debates on the ideal size of local government often have a phoenix-like character: almost as soon as carefully carved out equilibriums have been established, new dynamics emerge challenging existing boundaries and provoking heated debate. Two elements compound and complicate the discussion. First, the variegated nature of contemporary policy problems often demands ditto scales of government which can be at odds with the idea of local government as a territorially delimited general purpose unit (having tasks, responsibilities and competences in many domains subsequently allowing it to coordinate and tie together sectorial defined functions with a place-bound character). As one size seldom fits all, how to find an optimum that both allows to accommodate flexible responses to the multi-scalar issues of current local governance as well as the integrative pursuit of a common local good under the legitimacy of a directly elected government institution (Dahl & Tufte, 1973; Wollmann, 2004)? Second, territorial reforms tend to be inherently controversial and difficult to carry through touching upon established power relations and mobilizing a variety of interests that create conflicts between but also within traditional cleavages and (political) constellations (Baldersheim & Rose, 2010a).

Despite these qualifications, many European countries have embarked upon scale reform policies to tackle issues of territorial choice of which some were indeed adopted and implemented. In particular, two recent postwar waves of reform can be discerned. The first has started in the 1950s and was carried through the 1970s. It was associated with growing demands on the public sector in the era of an emerging (and to differing degrees localized)
welfare state and strongly rooted in the erstwhile popular logic of economies of scale: amalgamating jurisdictions (as the preferred strategy of that era) was assumed to lever governmental capacity and a subsequent increase in effectiveness and efficiency of ‘local’ provisions and services (Rose, 2005; De Ceuninck, Steyvers, Reynaert & Valcke, 2010).

Whereas scale reforms have never really left the political stage, an acceleration since the 1990s well into the first decades of 21st century accumulated into a second wave. Whilst the underlying discourse is still one of scale enlargement based on the rationale of enhanced effectiveness and efficiency for increasing local responsiveness, a few differences with the former era can be distinguished. First, with regard to the scope of the wave: as the first mainly affected the western core of old democracies, the second was most outspoken in their newer counterparts (Kersting, Caulfield, Nickson, Oluwe & Wollmann, 2009; Swianiewicz, 2010a)1. Second, as it comes to the focus of the wave: as the first mainly revolved around the classic responses of consolidation (amalgamations) or contracts (inter-municipal cooperation without changing boundaries of jurisdictions), the second showed a more variegated pattern of strategies and outcomes. In their recent comparative account of almost a dozen European countries, Baldersheim and Rose (2010b) have namely distinguished five different types of outcomes of territorial reform processes: enlargement of unitary general purpose municipalities (in which amalgamations are often presented as a precondition for the maintenance or enhancement of functional responsibilities), hosting arrangements (mainly by central cities for smaller neighbors) or functional differentiation between municipalities (rendering some more responsibilities than others), networks of inter-municipal special purpose cooperation (often a substitute when enlargement fails), regionalization (introducing an additional layer) and deadlock with potential functional state takeover (as a reversion point).

The result is a sustained differentiation in the territorial organization of local government from a cross-national perspective between the highly fragmented default of France and the increasingly consolidated model of the UK (with Denmark and Lithuania as second bests in terms of up-scaling) upon which reform efforts continue to avail.

The functional counterparts of territorial reform aim to improve the allocation and division of responsibilities to the variously established and demarcated layers of government including the (re)assignment of tasks and competencies with differing degrees of discretion to the local level. As the above suggests it is often difficult however to disentangle functional reforms from their territorial counterpart: ‘how functions are allocated across and between jurisdictions is

1 It is noteworthy that in some of the new democracies in Central and Eastern Europe, the patterns was even one where a strong rhetoric of community as an antidote to the de-territorialized logic of local state government in the communist era gave way to municipal division and fragmentation (i.e. an increasing number of smaller local self-government jurisdictions).


as much a matter of central-local relations as it is a [...] response to boundary and size’ (Caulfield & Larsen, 2002: 19). Consequently, they have often followed the waves and patterns in territorial reform outlined in the previous sections. The overall tendency is one of decentralization albeit through differing mechanisms according to the wave and area studied and patterns of path dependency have pervaded through common trends (Rose, 2005).

With regard to the first wave, most functional reform activity could be noted in the consolidated democracies of Western Europe although differing trajectories prevailed. The more centralized states (of the South) tended to implement additional layers of government to facilitate co-ordination with the periphery and bestowed these with a range of functions. More decentralized counterparts (especially in the North) inclined to delegate more responsibilities to local government to optimize the delivery and provision of functions mainly associated with the further developing welfare state. Often, scale enlargement was seen as a prerequisite (and often precondition) to galvanize the capacity to assume these additional functions (Vetter & Kersting, 2003a).

In the second wave, functional reforms tended to be of relative greater importance and salience in the more recently established democracies (especially in Central and Eastern Europe) whereas they appeared more incremental in their older counterparts (Vetter & Kersting, 2003b; Swianiewicz, 2014). Although no overall uniform and homogenous pattern can be discerned, again the dominant one is ‘...of decentralization, with local governments obtaining greater autonomy or being given increased responsibility for performing a wide range of tasks’ (Rose, 2005: 403). The form thus varies between outright political devolution (widening and deepening the scope of local self-government) and softer versions of responsibility flows from the center (strengthening arrangements of co-governance in which local authorities serve as agents with differing degrees of discretion). In many contexts, reframed financial and fiscal regimes complement changes in functional responsibility. Discussion remains however whether increases in functional responsibility have been matched sufficiently by an allocation of supportive funds or have put unreasonable strains on local fiscal capacity (Larsen & Caulfield, 2002).

The cumulative consequence of both waves of reform is one where ‘...at the beginning of the new millennium, local government in most [...] countries [...] are responsible for a broad range of tasks and functions’ (Denters & Rose, 2005: 247). This wide range of functional responsibilities can either be the result of longstanding traditions of local autonomy as well as more recent implied decentralization schemes. It has been supported by the extension of local self-government on a European scale rendering a power of general competence to municipal authorities in almost all countries (which endows them with the right to undertake policy initiatives in the local interest not explicitly precluded by or under the exclusive orbit of supra-local levels of government). It has been argued that this provides leeway to address local
community problems in a more integrated fashion enabling local government to move beyond the production and provision of a wide array of centrally prescribed (welfare) services. Municipal authorities increasingly engage in new types of activities often under the common denominator of fostering local economic development.

Moreover the nature of service production and delivery have altered rendering local government more of an enabling function (Denters & Rose, 2005). Still, in many contexts the agency model persists next to and sometimes outflanking mere autonomy. Local government has become increasingly engaged in the implementation of centrally determined and controlled policy objectives. These tendencies are deemed to have replaced traditional central-local regimes with the default of multi-level governance implying differentiated modes of entanglement of the various layers of government in most domains, fields and issues of public policy (Goldsmith & Page, 2010; Hendriks, Loughlin & Lidström, 2011).

The result is an equally sustained differentiation in the functional responsibility of local government from a cross-national perspective often expressed by municipal expenses as a percentage of GDP, between the lower limit of Greece (less than 3%) and its upper counterpart of Denmark (a bit less than 33%). This continues to be affected by ongoing reform debates and efforts on the functions and discretion of local government.

Finally, the relationship between functions and territory also turned more complex both given the increasingly diversified strategies and outcomes of each of the subtypes of structural reform as well as because shifts in functional authority have indeed occurred at instances without redrawing associated political-administrative maps (perhaps more so than vice-versa). In most instances a balance is sought between extending the territorial perimeter of local government (aimed at enhancing their base to assume their role as directly elected multi-purpose organizations) and establishing specific-purpose functional arrangements consummating existing jurisdictions (Wollmann, 2010).

### 3. Towards a third wave of scale reforms?

The two waves of territorial reform we described earlier are not the end of that evolution. In fact, a third wave can be identified in recent years in several North- and West European countries (De Ceuninck & Steyvers, 2012). Denmark reduced the number of municipalities from 271 to only 98 in one merger operation. There is quite some agreement in the literature that this operation was a successful one (Peeters, 2013). The same can be said from Germany, were several Länder are experimenting with the scale of their local authorities since 2010. It is worth to mention that not only the local authorities are involved in these experiments, but also the supralocal level (in Germany called Kreise).
This trend towards ever bigger local authorities, often combined with extra competences on the local level, has recently also reached Flanders. During the previous Flemish legislative period (2009 – 2014) the debate about the scale of local government was put on the political agenda, after a long period of stand still. After all, it had been since 1976 that Flanders faced municipal mergers. In that year, almost all Belgian municipalities were involved in a large scale merger operation that was imposed by central government (De Ceuninck, 2009). These amalgamations were motivated by the government by arguing that a larger scale would prepare the localities for the future. It would guarantee them a strong and solid financial base and it would open the way for new competences on the local level. Unfortunately, that last element was never realized in reality. In fact, municipalities gained in importance through the years, but a serious decentralization movement in their direction (in terms of a real functional reform) never took place. Partly that can be explained by the federalization process that Belgium has known since then. The creation of regions, such as Flanders, the Brussels Region and the Walloon Region, led to the fact that many powers of central government have not been decentralized towards the local level, but have remained stuck at the regional level. Due to several successive rounds of state reform, Flanders received many extra competences, which it did not pushed through towards the cities and the municipalities.

At the start of the previous Flemish legislative period in 2009, the political parties in government made it clear that they wanted to work towards a simplification of the administrative landscape in Flanders. Indeed, the analysis was that over the years too many intermediate policy structures have emerged. The government wanted to tackle this so-called ‘administrative overload’ by means of an internal state reform. This process would lead to a simplification of the administrative landscape in which all forms of governance would be hold against the light and, where necessary, should be reformed or even abolished. From then on, the focus would lie on the municipalities on the one hand and the Flemish government on the other. The government announced the intention to limit the list of competences of the Flemish provinces drastically to only ground-tied competences such as economy, agriculture, environment, spatial planning,… Most competences that are person-tied (such as culture, youth, education and sports) would be transferred to the regional or the local level. Only in exceptional cases some of these competences would still be attributed to the provinces (Valcke, 2010; Bourgeois, 2011).

These general principles were refined in the policy declaration of Minister Bourgeois, who was responsible for Internal Affairs during the previous Flemish legislature. In an analysis he outlined the particularly complex administrative landscape in Flanders. He indicated that he would place the focus on a drastic simplification of the many structures within the Flemish administrative landscape. The key elements he included were:
• The focus of the policy would come to lie on the municipalities and the Flemish government. All forms of intermediate governance would be questioned.
• A decentralization towards the local level. The Flemish government will invest in their administrative power.
• There will be a comprehensive list of provincial powers with a territorial character.
• The creation of homogeneous key tasks for each level of government. Per policy sector, only two administrative levels should play a role.
• A drastic simplification of the many intermediate structures and organs between the existing government levels.

With the announcement of these policy priorities a major taboo in Flemish policy disappeared: new municipal amalgamations. The minister was very clear about this, investing in the capacity of municipalities could also be done by way of new municipal amalgamations (Bourgeois, 2010a). In his Green Paper (July 2010), the minister made this very clear: ‘Scaling up of local governments through mergers is one of the possible solutions to enhance the administrative capacity of many municipalities. A large-scale top-down approach, where the number of inhabitants of the municipalities is taken as a guiding criterion, is currently not on the agenda. The need to scale up will have to be examined case by case and will have to offer a solution to the specific problems of the municipalities involved. Here we can think of a redistribution problem (eg. between a city and its surroundings), an imperfect amalgamation of the past, increasing administrative efficiency and capacity, the professionalization of the administration, ... It is important that an amalgamation is seen in the long term, this must be a structural solution with sufficient support among local politicians and the local population’.

A further development of these principles came with the so called White Paper of April 2011 (Bourgeois, 2011). Again this text was clearly in favor of new municipal amalgamations. They were explicitly promoted as a way of strengthening the professionalization of local government. Several foreign experiences were used to underpin this. Moreover, it demonstrated that local democracy does not necessarily suffer under a larger scale. Furthermore, the example of Denmark was specifically highlighted as a successful example of an amalgamation operation that went hand in hand with a decentralization toward the local level.

A concrete implementation of this policy came with the framework for voluntary mergers which was published by Minister Bourgeois (2010b). It contained a concrete path that was developed to allow voluntary mergers with a deadline before the local elections of October 2012. It was up to the councils themselves to take a principle decision on this that afterwards could be confirmed by a decree. The minister worked out two stimulating measures to make the offer slightly more attractive:
• First, there was a financial bonus for those municipalities that took the step towards an amalgamation. A grant was calculated so that during the first local legislature (which is six years in Flanders) after the merger, the new municipality would annually receive an extra financial support from the Flemish government.

• Secondly, the framework provided also in a non-financial guidance and support. The minister suggested the installation of a technical workgroup which had to assist the municipalities during the merger process. This coaching team would consist of representatives of the municipalities involved, officials of the (Flemish) Agency for Internal Administration, employees of the VVSG\(^2\) and the governor. The task of this team would be to support the municipalities legally and organizational in the complex implementation of a merger.

With both measures, the Flemish government showed that they did not wished to make the same mistakes as those made during the amalgamations in the 1970s. At that time, the municipalities were indeed forced to merge and there was hardly any public participation. Moreover, the municipalities had the impression that they were left alone and received very little administrative support from central government. Finally, it was also a common complaint that the municipalities had to pay themselves for the majority of the costs generated by the mergers. With this framework for voluntary mergers, there came an answer to those complaints. From 2011 on, voluntary mergers received both a financial and a technical support from the Flemish government.

In reality however nothing really happened. There have indeed been some exploratory talks in some municipalities, but ultimately no one has taken the step towards an actual merger. There are several reasons for this (Decoster, 2014). The main reason is undoubtedly the lack of support for voluntary mergers. Especially local politicians are reluctant to new mergers. In part this is due to the unfortunate experiences of the 1970s, but equally by the fear of losing mandates. Secondly, the timing was extremely tight and moreover politically very unhappy. The framework for voluntary mergers was issued in 2010 and already in 2011 the councils had to decide on a merger. Moreover, this framework came into the full run-up to the local elections of October 2012, a particularly unfortunate moment to advocate for municipal mergers. Moreover, the subject was not an element of debate during the local election campaign in 2012. Thirdly, there was locally insufficient knowledge about the benefits of a merger or the potential of any economies of scale. Note that if local politicians do not know these advantages, it will be very difficult to convince the population. Finally, there are also several organizational aspects that partly explain the lack of new mergers. Moreover, many

\(^2\) The VVSG is the ‘Vereniging van Vlaamse steden en gemeenten’, the ‘Association of Flemish Cities and Municipalities’. This association unites all 308 Flemish local governments and represents their interests, offers advice, training and many other services.
questions remained unanswered. For example, what with the official degrees\(^3\) in the new municipalities? How to tackle distribution issues? Etc.

4. The current Flemish approach

The fact that there were no municipal amalgamations during the previous Flemish legislative period does not mean that this policy has failed in this regard. At least the debate is again on the political agenda. This means something in Flanders, where there has always been a large taboo on possible mergers. Moreover, it will take time to convince everyone of the benefits associated with a merger. In this respect it is important to take a look at the plans that were unfolded by the Flemish government that came into power in 2014.

It is worth to mention that the Flemish coalition agreement of 2014 was written under special circumstances. There was the effect of the sixth state reform which transferred a number of new competences to the Flemish government and there was the tight budgetary framework which made it necessary to make some important choices. This tight budgetary framework has also affected the local level. Local finances came under severe pressure in recent years. This has multiple causes: personnel and pension expenses, loss of dividends and rising costs for police and firefighters. The question has to be asked to what extent the local governments have adequate resources and the administrative capacity to meet the many tasks they have to fulfill. The precarious financial situation of several local governments has made that question only more pertinent.

The Flemish coalition agreement 2014-2019 clearly showed continuity in the approach towards the local level compared with the previous legislative term (Vlaamse Regering, 2014). The focus was on strong cities and municipalities on the one hand and a general role for the Flemish government itself on the other hand. The provinces would be further downsized to only ground-tied competences, losing all their personal-tied competences (and even their ground-tied competences in cities with more than 200,000 inhabitants).

Some of these powers will be decentralized towards the local authorities. In that sense, a decentralization movement is part of the current Flemish coalition agreement. This is based on the vision that the local authorities are the first point of contact for citizens and moreover are accountable to their own local democracy. There will also be a differentiation according to the scale of the local authorities. The largest cities (100,000+) will get the opportunity to deviate from Flemish legislation, if they can motivate this from an efficiency standpoint or from the metropolitan context in which they operate and in so far that this is consistent with

\(^3\) Official degrees are the municipal secretary (the highest local officer and head of the local administration) and the local financial manager.
applicable European directives and regulations. However, even the medium-sized municipalities (25,000+) will be able to obtain additional competences if they ask for it.

The increased policy autonomy which is mentioned in the coalition agreement becomes clear in the reform of the financing of local government. Many sectoral subsidies (in the fields of culture, youth, sport, education, community development and child poverty) will disappear and be integrated into the municipal fund. This is a general fund managed by the Flemish government that provides the municipalities with financial means which they can spend fully autonomous. This means that the policy autonomy of the local authorities increases because from now on they have a larger local autonomy in deciding how to spent these funds.

The policy declaration of Minister Homans, who is responsible for the local and the provincial authorities, showed that the government wants to invest in a further enforcement of the capacities of the local authorities (Homans, 2014). The aspects of scale and decentralization both play an important role in this respect. Two important measures illustrate this, more specifically the stimulation of regional cooperation and the encouragement of voluntary amalgamations. In this paper we only address that last element, the voluntary amalgamations.

Stimulation of voluntary amalgamations of municipalities

One of the operational objectives in the policy declaration of Minister Homans says: ‘the encouragement of voluntary amalgamations of municipalities’. In this respect, the Minister clearly works further on the work that already started during the previous Flemish legislature. The minister acknowledges that the policy during the previous legislature has not led to concrete results, but at least the debate about amalgamations is again on the political agenda. Moreover, a number of municipalities is faced with a lack of administrative capacity and this in a context of increasing demands from the population, increasing tasks and a rising complexity and technicality of tasks.

To stimulate the municipalities to merge, the Minister announced in 2014 several instruments. Some of them are new, others are a revision of previous measures. Meanwhile all of them are put into legislation. We briefly take a closer look at them:

- There would come a ‘power monitor’ for the municipalities. The result of such a monitor (an instrument that already exists for many years in the Netherlands) provides municipalities with an objective view of their own abilities and capabilities. Although they are not intended to oblige the municipalities to merge, they do give an indication of where a local authority stands and what can possibly be done better. They stimulate local authorities to question themselves and make adjustments where necessary.
• The detailed framework to stimulate voluntary mergers developed during the previous Flemish legislature was maintained and even extended. During 2015, the minister developed a new financial bonus to encourage municipalities to merge. This financial support has to be seen more broadly then before. The Minister investigated if the Flemish government can take over financial debts from the municipalities. Moreover, the legal and administrative support developed during the previous Flemish legislature remained preserved.

• A final incentive consists in granting additional powers to the amalgamated municipalities. The Flemish government has the intention to decentralize tasks to the local authorities, but as already mentioned, this is related to the aspect of scale. Only the medium-sized (25,000+) and large municipalities (100,000+) will be able to count on these additional responsibilities.

The fact that the Minister for the Interior had many plans and good intentions did not meant that all of them found their way into practice. Roughly we can say that anno 2018, three of the four operational objectives have been implemented. Only the stimulation of a stronger regional dynamic remained mainly absent until know. It remains to be seen which direction the Flemish government will take in this regard. Again, in this paper we only address the second operational objective, the stimulation of voluntary mergers.

In July 2015 the minister for the Interior presented to the Flemish government a draft memorandum about those voluntary amalgamations and several accompanying measures in order to stimulate those mergers. This was the starting point for the further expansion of the Flemish merger policy, which continued to build on the foundations laid during the previous Flemish legislature. The minister acknowledged in her draft memorandum that no Flemish municipality had taken the step towards a merger before 2012, but at least the debate had been started. In that sense, an important step was taken in the process. The draft memorandum also included the main lines of the merger policy to be developed. A first element was to emphasize the voluntary character of the new mergers, ‘in the firm conviction that on the one hand a sufficiently strong local support is essential for the success of a merger operation and on the other hand changed environmental factors can make things possible tomorrow, that were impossible yesterday’.

Secondly, the minister recognized the need for a legal framework for new mergers. Until then, new mergers lacked a legal framework that stipulates the steps of a merger process. Municipal

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4 The four operational objectives are the transfer of more competences towards the local level (1), the stimulation of voluntary mergers (2), the enforcement of a regional dynamic (3) and the restriction of the provinces to only ground-tied competences (4).
assemblies had the possibility to merge according to article 297 of the municipal decree, but more than that was not arranged. A legal framework on mergers was therefore announced. It would regulate all procedures and modalities necessary to merge two or more municipalities. In the first place, the decree had to provide an answer to how the transfer of patrimony, debts, rights and obligations of the merging municipalities had to be arranged. Furthermore, provisions would be included on the transfer of personnel and the way in which inter-municipal partnerships and other supra-local structures should be dealt with.

Thirdly, the draft memorandum also stipulated a number of accompanying measures. These were measures to support those local authorities that volunteered to take the step towards a merger. The Flemish government saw a role for itself as a facilitating government, which wanted to provide the local authorities with a number of instruments for the implementation of a merger. Attention will be paid to the administrative power of the local authorities. The latter are encouraged by means of an administrative power monitor to critically review their own functioning. An administrative power monitor must help, as well as the existing offer from the Flemish government in the form of the municipal monitor that was recently updated in 2018. A second element concerned a handbook on mergers. This should primarily be a substantive support for municipalities during the implementation of a merger process. This merger manual is now available online on the website of the Flemish Administration of Internal Affairs and offers an answer to numerous questions that municipalities may have in the case of a merger.

The last, but perhaps most important, support came in the form of the merger decree, approved in the Flemish Parliament on Wednesday, June 15, 2016. The decree on the voluntary merger of municipalities aims primarily to create clarity and legal certainty for those municipal authorities that wish to proceed to a voluntary merger of their municipalities. Until then, that certainty was not available and many questions remained unanswered. In the municipal decree it was foreseen that municipalities could merge, but nothing was regulated about the modalities.

The merger decree contains several specific provisions for those municipalities that join forces together by January 1, 2019. For example, the decree contains the settlement of the debt assumption as the successor to the financial bonus that was designed during the previous Flemish legislature. Municipalities that announced the intention to merge before the end of December 2017 could count on a debt assumption of 500 euros per inhabitant, with a maximum of 20 million euros per merger. A maximum amount of 200 million euros was provided for this in the budget of the Flemish Government. The money must primarily serve to help with certain transition costs that a merger entails. Furthermore, it can also help to
provide the new merged municipality with extra investment space or to allow a tax reduction in one of the municipalities involved in a merger. In this way, the tax rates of the former municipalities can be equalized after the merger.

The merger decree also includes the possibility of temporarily increasing the number of executive political mandates after the start of the merged municipality. It concerns two extra aldermen in the first legislature after the merger (2019-2024) and one extra in the subsequent legislature (2025-2030). The motivation for this is that a merger brings a lot of extra challenges in terms of the integration of the services of the previous municipalities. That the measure will help to eliminate some political resistance here and there will undoubtedly also have played a part in creating this possibility.

The decree also regulates the way in which municipalities should handle the positions of the municipal secretary and the financial manager, the two highest local officials. After all, the merged municipality must make a choice between one of the current job holders. In addition, those who were not selected receive certain guarantees, such as the maintenance of salary conditions as well as a suitable job in the new organization.

A striking detail in the merger decree is also the possibility that was created in order to merge across provincial boundaries from now on. During the previous merger operation, this only happened in an exceptional number of cases. Central government did not want to touch both the provincial and the district boundaries at that time, in order to preserve existing political balances as much as possible. After all, the former arrondissements  5 still served as constituencies. From now on it is possible to cross provincial boundaries and here and there this might be a good thing. It can help to correct some illogical mergers from the 1970s. The decree even opens up the possibility for the municipalities concerned to indicate to which province they want to belong. Obviously, this will also have consequences for the local police zones, the emergency zones  6 and the judicial districts.

*Meanwhile in the Flemish town halls*

Flanders may be working on an active support for voluntary mergers, this does not mean that the possibilities offered are also addressed locally. The difficult start of the Flemish merger policy during the previous Flemish legislature has shown this. Here and there, exploratory talks were held between mayors, but preferably far away from the cameras and the press. The fact that the water was often too deep was also apparent from the rapid failure of

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5 As administrative divisions of the provinces.
6 Emergency zones are the clusters of the former local fire brigades.
conversations after they had been leaked. Several examples have also shown that. However, we have seen a turnaround in the debate in recent years, particularly since the end of 2015 and the beginning of 2016. For this, three causes can be listed.

Firstly, I dare to say that the debate has largely been normalized. Where it used to be a taboo to question the municipal scale, we now notice more openness when it comes to scale problems and the possible solutions. Several mayors held an open plea for mergers. For example, Mayor Koen Loete (CD&V) of Eeklo stated that he is very much in favor of a large merger in his region. A similar call came from his colleague Nadia Sminate (N-VA) from Londerzeel. She openly advanced a merger between her municipality and Kapelle-op-den-Bos, a neighboring municipality. She even went so far as to announce a plebiscite about a possible merger to know the public support for this idea. Several other mayors followed these examples in the meantime. Although the majority of the responses to these proposals were negative, the debate was always prominently on the political agenda.

A second reason why the mergers now find a fertile breeding ground lies in the growing awareness that the package of municipal tasks is growing, while not all municipalities are up to this. Moreover, this realization also comes with the conclusion that inter-municipal cooperation cannot take over all the administrative problems of the municipalities. However, much is expected of this inter-municipal cooperation. The negative reactions to mergers, often in the sense of: ‘the merger of 1976 has not yet been accepted, no one wants to give up his individuality’, often gave rise to calls for more intensive cooperation. As an alternative to municipal mergers, inter-municipal cooperation continues to be a priority in the political debate. Similarly in our earlier example of Londerzeel: ‘If the Minister of the Interior Liesbeth Homans (N-VA) distributes money for a voluntary merger, it would be a good first step if she also rewards partnerships between municipalities. Consider the joint purchase of certain equipment, or the joint employment of a sustainability officer’. The administrative practice has shown, however, that inter-municipal cooperation also has its limits. Certainly in the recent past several scandals have done not much good to the image of the Flemish inter-municipal partnerships. The debate may not always have been conducted in an equally nuanced way, but it has encouraged the Flemish government to tighten up the rules on inter-municipal cooperation. For example, the total number of directors per inter-municipal partnership is now limited and the existing rules concerning the limitation of the allowances are extended to private-law structures that have a link with Flemish inter-municipal companies. In the past, the former sometimes escaped from rules that applied to inter-municipal companies on the basis of the decree on inter-municipal cooperation.

A third reason for the fact that the Flemish merger policy is beginning to be successful lies in the fact that several pioneers pave the way. The power of this cannot be underestimated. At the beginning of 2016, 19 municipalities indicated that they would investigate a possible merger. Four of them indicated shortly afterwards that they did indeed intend to actually step
into a merger process. In both cases, this resulted in positive decisions in the municipal councils at the end of 2016. The voluntary merger framework developed by the Flemish government was therefore picked up in practice. The municipalities of Meeuwen-Gruitrode and Opglabbeek (in the province of Limburg) and Kruishoutem and Zingem (in the province of East-Flanders) were the first municipalities to announce that they would like to merge voluntarily. In their motivation to merge, both mayors of Limburg expressed very valid arguments for this merger. Both argue that they want to provide a better service to their citizens and that they want to be stronger to take on more tasks. The latter is motivated by the resignation of the provinces from a number of policy domains and the loss of provincial support. Certainly for smaller and rural municipalities this support meant something. Furthermore, both mayors also want to arm themselves to absorb falling expenses as a result of the federal tax shift. It goes without saying that the debt assumption offered by the Flemish Government will also have played a part in the consideration. In the Limburg case it is a sloppy 11.7 million euros. This will enable the new municipality in the beginning of 2019 either to reduce the tax burden or to finance new initiatives. A combination of both is also possible. It cannot be overlooked that it is a considerable debt assumption that creates a lot of opportunities locally. That was also explicitly the intention of this instrument. Finally, the results of a joint power monitor has also helped both municipalities to take the step.

A strongly comparable story sounded in the East-Flemish municipalities of Kruishoutem and Zingem. A look at the website created especially for the merger shows that both municipalities are approaching each other to be able to take on more powers that will come to the local authorities. Here too, the resignation of the provinces and the shift of powers from Flanders are mentioned as reasons. Furthermore, it also points out that they want to offer an answer to the increasingly complex societal challenges and to the ever-increasing expectations of the citizens.

The efforts of the Flemish government ultimately led to 15 Flemish municipalities merging on 1 January 2019 to 7 new municipalities. The table below gives a brief overview of those 17 municipalities.

Table 1. Overview of the 15 municipalities about to merge in 2019

<table>
<thead>
<tr>
<th>Old municipalities</th>
<th>Current number of inhabitants</th>
<th>Name of the new municipality</th>
<th>Number of inhabitants after merger</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeuwen-Gruitrode</td>
<td>13.082</td>
<td>Oudsbergen</td>
<td>23.379</td>
</tr>
<tr>
<td>Opglabbeek</td>
<td>10.297</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kruishoutem</td>
<td>8.137</td>
<td>Kruisem</td>
<td>15.664</td>
</tr>
<tr>
<td>Zingem</td>
<td>7.527</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Amalgamations for the right reasons?

Of course no one doubts all those good intentions. Yet they cannot hide the fact that in some cases there may be also other reasons why these municipalities join forces. A look at the map shows that Kruishoutem and Zingem lie next to Oudenaarde, a strong regional city, while Meeuwen-Gruitrode and Opglabbeek are in the shadow of Genk, another regional city. The fear of being merged with those cities, maybe on a compulsory basis, works as a trigger to join forces with other municipalities. Locally, it has not been forgotten that compulsory mergers were on the Flemish negotiating table in 2014. Benny Spreeuwers, the mayor of Opglabbeek, was even very clear about this in the press: 'We did not want to become a part of Genk, where we would play a second-rate role'. It remains an open question, of course, whether these compulsory mergers will ever come, but it is a fact that they hang as a sword from Damocles above possible new mergers. Moreover, several N-VA politicians at the Flemish level do not question that it is best to consider compulsory mergers as far as they are concerned.

There is therefore little doubt that the fear of future compulsory mergers will also have played a role in other municipalities when making a decision about a voluntary merger. The two cases just mentioned have served as pioneers in 2016, but in 2017 they were soon followed by several other municipalities that also published merger plans. This started in May 2017 when the municipal councils of Aalter and Knesselare agreed to merge, followed by the Limburg municipalities Neerpelt and Overpelt in June 2017. In August 2017, Nevele and Deinze followed, after which in September both the municipalities Puurs and Sint-Amands as well as the municipalities of Zomergem, Waarschoot and Lovendegem announced merger plans. In this last case, the merger consists of three municipalities.
The motives for these mergers are diverse and not interchangeable. For this, the local contexts differ too much and the local autonomy plays a full part. We can, however, assume that several of the reasons just mentioned will also have played a role in these municipalities. The increased possibilities after a merger, the strengthening of the municipal organization and the associated improvement of the services are all reasons for going for a merger. Undoubtedly, negative factors will also have played a part, such as the fear of being included in a compulsory merger in which one would rather not be included. As a result, they move forward, as long as they can decide themselves with whom to merge. Furthermore, the instruments offered by the Flemish government, and not least the debt assumption, will also have played a part in the final decision.

5. Conclusion

It may be 'only' 15 municipalities that take the step to a merger in a voluntary way, it means something in Flanders. As mentioned before, there has been a taboo on this theme for a long time, after the bad experiences with compulsory mergers in the 1970s. In many municipalities it took a long time for these mergers to be accepted by everyone. The fact that 15 municipalities now choose to join forces on a voluntary basis is therefore of more than symbolic importance.

They do this for several reasons. Firstly, they use a number of attractive opportunities offered to them by the Flemish government. We think in the first place of the debt assumption, the strong substantive supervision and assistance and the temporary increase of the number of members of the local executive board. Moreover, these municipalities hope to become stronger in order to be able to take on more powers and to offer a better service to their residents. Undoubtedly there are also some negative elements involved, such as the fear of future imposed mergers by the Flemish government.

It remains to be seen what the future will bring, but the dynamics that were started will not just stop. Several municipalities are already considering a merger in the future, but let there be little indication about this for the time being. In fact, local elections are on the agenda in October 2018. That explains why many local politicians now firmly hold their lips together. It remains to be seen whether the trend towards new mergers will continue afterwards. Much will also depend on whether the next Flemish government, which comes to power in 2019, will encourage or oblige new mergers. This aspect will largely determine the continuation of this merger policy.
References


