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Administrative-Territorial Reform through Municipal Amalgamation and the Protection of National Minorities: European Standards and a Few Examples

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The aim of this paper is to depict some basic considerations regarding the protection of national minorities in light of the creation of larger municipal units through amalgamation reforms. The paper provides an outline of the European standards for the change of municipal borders, both the general ones stipulated in the European Charter of Local Self-Government and the specific ones prescribed in the two European conventions striking for the protection of national minorities. The topic is further elaborated through the presentation of examples of four countries that performed some sort of 'minority mainstreaming' in the territorial reform. Albania, Denmark, Finland and the Netherlands have been identified as interesting case-studies for two reasons. First, in all four cases, the question of the effects of municipal amalgamation on the protection of national minorities has been raised and addressed during the monitoring on the implementation of the two European 'minority conventions'. Second, the four examples offer a variety of approaches towards (more or less successful) accommodation of the amalgamation reform for the sake of the protection of national minorities.

Keywords: *Article 16 FCNM; Article 7.1.b. ECRML; municipal amalgamation; national minorities.*

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Introduction

Territorial reshaping through changes of municipal boundaries has become the common tool in administrative reforms throughout Europe. Many European countries have opted for the so-called amalgamation or merging of smaller territorial units into the bigger ones as the driving strategy of administrative reform. Amalgamation was perceived not only as necessary for modernisation, rationalisation and better effectiveness of the public (local) administration, but also as a precondition for decentralisation. The concept of

amalgamation generally follows the ideology of "economies of scale" according to which, simply saying, the size matters: the bigger territorial units are more cost-efficient and provide better service-delivery at reduced costs and more efficient decision-making. In addition to this, bigger territorial units are capable of performing larger scale of tasks; the reason amalgamation is usually part of wider decentralisation reforms. This has been identified as the "decentralisation paradox" because centralisation (through amalgamation) of smaller territorial units is needed in order to transfer more competences from higher level of governances and thus to decentralise powers.

As the main goals of amalgamation reforms are to increase range and quality of services that are provided for citizens at the local level and to decrease the costs, the focus of the reform usually lies mainly on the economic parameters and, to a lesser degree, on the administrative and managerial aspects of the local (self-) governance. The assessments of the effects of the amalgamation reforms also follow this pattern and usually address the financial aspects (whether the reform has contributed to the reduction of costs), the administrative capacity (whether the reform has improved the quality of services delivered by the local administration) and the effects on the local democracy (whether the amalgamation has increased or decreased citizens' participation in the local affairs). Against this background, the effects of the amalgamation reform on the quality of the protection of national minorities often remain neglected, both by the authors and evaluators of the reform. And indeed, the creation of larger territorial administrative units can cause changes in demographic proportions and thus not only administratively 'interfere' into the minority traditional settlements, but also lead to the reduction of territorial-based minority rights such as the right to education in a minority language or communication with local authorities in a minority language. Furthermore, municipal amalgamation can have negative effects on the participation of national minorities in local affairs. Plus, it can open the question of the quality of services in areas inhabited by national minorities that are situated in remote locations away from the administrative centre of the new municipality. The solution to all these challenges is not to exclude areas inhabited by national minorities from amalgamation reforms (as citizens, they also can benefit from the general effects of the amalgamation reform), but to take into consideration the 'minority aspect' when developing and implementing the reform and create measures that would mitigate the negative side effects of the reform on the protection of national minorities.

The aim of this paper is to depict some basic considerations regarding the protection of national minorities in light of the creation of larger municipal units through amalgamation reforms. The paper provides an outline of the European standards for the change of municipal borders, both the general ones stipulated in the European Charter of Local Self-Government and the specific ones prescribed in the two European conventions striking for the protection of national minorities. The topic is further elaborated through the presentation of examples of four

countries that performed some sort of 'minority mainstreaming' in the territorial reform. Albania, Denmark, Finland and the Netherlands have been identified as interesting case-studies for two reasons. First, in all four cases, the question of the effects of municipal amalgamation on the protection of national minorities has been raised and addressed during the monitoring on the implementation of the two European 'minority conventions'. Second, the four examples offer a variety of approaches towards (more or less successful) accommodation of the amalgamation reform for the sake of the protection of national minorities. The case-studies follow in three steps: the general outline of the territorial reform, the specific aspects relevant for the position and protection of national minorities and the main findings about the relevant features of the reform and its effects on national minorities.

1. An Outline of the European Standards Relevant for Municipal Amalgamation

Because of the impacts the changes of boundaries have on the local territorial units, some basic principles (and safeguards for the local autonomy) have been established at the European level. The most relevant in this respect is Article 5 of the European Charter of Local Self-Government, which calls for protection of local authority boundaries and prescribes that changes in boundaries shall not be made without prior consultation of the local communities concerned. The norm also refers to a referendum as a possible form for such consultation. The Explanatory Report to the Charter acknowledges that it is "unrealistic to expect the local community to have power to veto such changes", but finds "prior consultation of it, either directly or indirectly, (…) essential" (Explanatory Report, 1985, p. 6). In a similar tone reads the provision of Article 4.6 of the Charter that calls for local authorities to be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly. The norm covers both matters within and outside the scope of the powers of the local authorities by which they are particularly affected (Ibid.). The consultation should be of such quality that it enables local authorities to have "a real possibility to exercise influence" (Ibid.). The position of local authorities in the consultation both under Article 5 and Article 4.6 of the Charter needs to result from the democratic decision-making and to reflect the right of citizens to participate in public affairs, either directly (through a referendum, for instance) or indirectly (through democratically elected representatives).

The importance of the changes of boundaries for local governance reflects the fact that in 2004 the Committee of Ministers of the Council of Europe adopted the recommendation (REC(2004)12) dedicated to the process of the reform of boundaries and/or structure of local and regional authorities and developed some basic guidelines for respective administrative-territorial reforms. The guidelines address four steps of the reform process: preparation, decision-making, implementation and evaluation, but most attention is paid to the

first phase of preparation. For this first phase, the document enlists numerous aspects that might be taken into consideration with regard to the analysis, participation and design of the boundary reform. Interestingly enough, the document also refers to the two conventions of the Council of Europe relevant for national minorities and calls states to ensure, where appropriate, "that the objectives, methods and results of the process of reform comply with their obligations under Article 7.1.b of the European Charter for Regional or Minority Languages and Article 16 of the Framework Convention for the Protection of National Minorities" (recital 8 of the preamble).

The issue of drawing the boundaries of local territorial units is of particular relevance in the areas where national minorities live, because some of the central minority rights such as education in/of minority language or official use of minority language have a strong territorial dimension. It is, thus, not surprising that both the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML) refer to the issue of boundary changes. When it comes to the FCNM, of relevance is Article 16 which prohibits altering the proportions of the population in areas inhabited by persons belonging to national minorities *aimed* at restricting minority rights and freedoms. Among the examples of measures that change the proportion of the population, the Explanatory Report to the FCNM also lists "redrawing administrative borders" (Explanatory Report, 1995, p. 23). Yet, such measures are not absolutely prohibited, rather only if they are aimed at restricting the rights and freedoms flowing from the FCNM. Thus, the FCNM does not fully outlaw measures that might have the *effect* of restricting minority rights and freedoms, provided that such measures are justified and legitimate (see Ibid.). When it comes to the ECRML, of relevance is Article 7.1.b which calls for the respect of the geographical area of a regional or minority language and obliges states parties to "ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question". The Explanatory Report to the ECRML acknowledges that the determination of territorial administrative units depends on various parameters and that is impossible to expect that the administrative boundaries are drawn along linguistic lines. Following this argumentation, the ECRML "does not require that the territory of a regional or minority language should in all cases coincide with an administrative unit" (Explanatory Report, 1992, p.10). Yet, "practices which devise territorial divisions so as to render the use or survival of a language more difficult or to fragment a language community among a number of administrative or territorial units" are considered to conflict with the ECRML (Ibid.). Thus, administrative units "must at least remain neutral and not have a negative effect on the language" (Ibid.).

Although Article 16 of the FCNM is not in the focus of the monitoring work of the Advisory Committee on the FCNM, it has tackled the issue of the territorial administrative reform in several of its

Opinions and some outline of its position to the issue can be drawn. According to the Advisory Committee, in a territorial reform there is a need to: consult all communities in society and involve national minorities in the process, take into account the rights of persons belonging to national minorities and secure that there are no repercussions/restrictions on their position, guarantee effective participation of persons belonging to national minorities in discussions at local and regional levels, provide access to relevant services for national minorities and promote and protect multi-ethnic character throughout the newly created territorial units (see for instance, Fourth Opinion on Switzerland, 2018, p. 35; Fourth Opinion on Romania, 2017, p. 43; Fourth Opinion on Ukraine, 2017, p. 52; Second Opinion on Montenegro, 2013, p. 39; Second Opinion on the Netherlands, 2013, p. 25; Second Opinion on Finland, 2006, p. 29).

The Committee of Experts on the ECRML is less specific when assessing territorial reforms in light of Article 7.1.b ECRML and usually simply calls the state to ensure that new administrative divisions do not constitute an obstacle to the promotion of minority languages or a specific minority language (see for example, Fourth Report on Switzerland, 2010, p. 7 or First Report on Romania, 2012, p. 9). Also in this more general tone are the recommendations to give full considerations to the obligations under the ECRML before implementing reforms that might affect the position of minority languages (see for example, First Report on Denmark, 2004, p. 8 and Second Report on Germany, 2006, p. 8). Yet, several more precise positions of the Committee of Experts can be read from its reports. First, it seems that the Committee of Ministers cherishes dialogue between the authorities and national minorities and welcomes when national minorities are being consulted throughout the amalgamation reform process (see for example, Third Report on Finland, 2007, p. 9; First report on Denmark, 2003, p. 8; Second Report on Denmark, 2007, p. 8). Furthermore, the Committee of Experts does not hesitate to point out the need for the authorities "to ensure that the linguistic rights of the speakers are preserved when forming the new municipalities" and to "analyse the linguistic impact of the mergers" (Fourth Report on Finland, 2012, p. 10). Although given in a different context (of a dissolution of the municipality due to lignite mining), the observation of the Committee of Experts about the "importance of weighing the interests of regional or minority language protection against economic considerations" and the need to "take all appropriate measures aimed at remedying the adverse effects on the … language" (Second Report on Germany, 2006, p. 8), could easily be applied to the municipal changes resulting from amalgamation. Interestingly enough, the Committee of Experts does not consider municipal amalgamation only as a threat, but also see a potential for better language use: new municipalities might use the opportunity of the amalgamation to improve services in minority language(s) (Second Report on Denmark, 2007, p. 6).

The European standards outlined above show that creation of new municipal units through municipal amalgamation is a legitimate tool

in administrative-territorial reforms, also in areas where national minorities live. Only malicious changes of municipal borders that aim at restriction of minority rights are outlawed; otherwise amalgamation per se is not perceived as being contradictory to minority protection. Thus, municipal amalgamation and minority protection are not mutually exclusive. Yet, it has been acknowledged that amalgamation can have negative effects on the quality of minority protection: the change of municipal borders and creation of larger municipal units can cause changes in demographic proportions and consequently lead to the decrease (restriction) in enjoyment of minority rights, especially those with a 'territorial dimension'. Mostly affected can be the right to receive education in one's own language, the right to use one's own language in communication with local authorities and the right to participate, first of all, in public affairs, but also in the cultural, social and economic life of a new municipality. In addition to this, creation of larger municipal units can affect access of persons belonging to national minorities to the services provided at the local level, especially if they live in areas remote from the administrative centre of the new municipality. This bears the risk of discrimination, if the quality of local services delivered in areas where national minorities live is remarkably lower. Finally, territorial and demographic changes resulting from the amalgamation can affect the right of minorities to identity and freedom from unwanted assimilation. Creation of new (enlarged) municipalities leads to 'reshuffling' of the living/spatial area and, in the long run, to creation/modification of the local identity, in which context the fostering of minority identity may become difficult. All these challenges which municipal amalgamation bears for minority protection call for serious consideration of measures that can mitigate the negative side-effects. There is no prescribed list of measures that can serve as a 'checkbox' for a successful amalgamation reform in areas where minorities live. The guiding principle in defining the appropriate measures is that this should result from a constructive dialogue between the authorities and the national minorities and correspond to the specific context and needs (both regarding the reform and the minority protection). This calls for flexibility and sensitivity for the concerns of the national minorities. For example, access to education in a minority language and use of a minority language in communication with local authorities can be detached from rigid demographic thresholds and the focus laid on the need of the national minorities traditionally living in the area. Or, for example, participation of national minorities in local affairs can be facilitated through affirmative electoral rules (lower thresholds, reserved seats, electoral districts and similar), sub-municipal or neighbouring councils, minority councils or commissioners and diversity of local personnel. Along a similar line runs also the need to take care that all local services are accessible for national minorities residing in the new municipality (especially for those living in remote areas / neighbourhoods) in the same quality as for the residents belonging to the majority. Finally, the changes in demographic proportions resulting from creation of larger municipal units do not abolish the

responsibility of municipal authorities to support and facilitate the preservation of minority identity and traditions; on the contrary, in the new context, the minority might be in greater need of protection.

Unfortunately, there is no example of amalgamation reform in which all of the above aspects have been taken into consideration and a comprehensive analysis of the effects of the municipal amalgamation on national minorities been made. It is thus not possible to identify one country as a role model for the optimal mainstreaming of minority protection in the administrative-territorial reform through amalgamation. It is possible, however, to show several examples of how some countries have accommodated the protection of national minorities in the amalgamation reform.

2. Albania

Albania counts as one of a group of countries with "clearly marked territorial amalgamation reform" and a "clear, single moment of reform" (Swianiewicz, Gendźwiłł & Zardi, 2017, p. 15). The reform was announced to be a priority of the government resulting from the elections in 2013 (Totoni & Frasheri, 2016, p. 8), legally based in 2014 with the adoption of the law 115/2014 "On the territorial and administrative division of local government units in the Republic of Albania" and implemented with the local elections held in 2015. The main quantitative feature of the reform is the reduction of the number of municipalities from 373 to 61.

The core purpose of the reform was to create "capable and efficient local units to provide public services and empower them" (The Republic of Albania, 2016, p. 58). The reform was based on a functional approach and identification/creation of "functional zones". Such a functional zone is "a territorial space with strong interactions between institutions and citizens for economic, social, development and cultural purposes" and "is created around an urban centre that has the capacity to provide the full range of public services" at the local level (Swianiewicz, Gendźwiłł & Zardi, 2017, p. 97). In addition to this main criterion, other criteria were also taken into account, "such as the population, distance of the territory, territorial contiguity and the traditional links" (The Republic of Albania, 2016, p. 58). In the Fourth Report on the FCNM, the Albanian authorities expressed that in the territorial reform "it was aimed not to affect negatively the local government units, which in their composition have a substantial number of the population from the ethnic minorities" (Ibid., p. 80). The adopted approach was to exclude local government units with the majority of population belonging to national minorities from the application of general amalgamation criteria. Such units were not amalgamated with the units in which majority of population belongs to the Albanian nationality, "but are left to stand on their own or are united with other local units with absolute majority of the population from the same ethnic minority" (Ibid., p. 81). This resulted in the creation of three "minority" municipalities: Pustec (inhabited by Macedonians), Dropull and Finiq (both inhabited by Greeks) (Ibid.). The municipalities in which persons belonging to national minorities do not make the majority of local population were amalgamated

according to the general rules of creation a "functional zone". The general amalgamation criteria have also been applied to the municipality of Himara, in which a significant number of persons belonging to the Greek minority live and which often experience ethnic tensions. It is also relevant to point out that the 2011 census had a lot of flaws and was widely boycotted by the Greek minority, resulting in the census data not being accurate and reliable. In justification of the territorial reform in Himara, the Albanian authorities pointed out the positive attitude of the mayor of Himara, the results of the survey showing that majority of the local population was in favour of the reform and the fact that the party representing national minorities participated in the 2015 local elections and thus de facto accepted the new territorial division of the municipality (Ibid., pp. 81-82).

In the territorial reform in Albania only municipalities with the majority of local population belonging to a national minority have been considered and excluded from the amalgamation according to the general criteria. On the other hand, municipalities with a minority population that does not reach the threshold of the local majority, have been amalgamated as usual. This has led to changes in demographic proportions that are relevant for the enjoyment of minority rights with the territorial aspect (education in own language and use of minority language in the communication with local authorities). In the Annual Report for 2017, the Albanian Ombudsman acknowledged that "the new territorial administrative division has created problems with regard to the real presence of different population other than the majority one, located in certain areas of the country", more specifically the creation of new municipal boundaries has caused the splitting of persons belonging to one national minority into different administrative territorial units (The Ombudsman of Albania, 2018, p. 77). Against this background, the Ombudsman finds that the factual situation will create problems with the implementation of minority rights that are linked to the criterion of the "substantial number and sufficient requirement" or the 20% threshold in the minority share of the local population (Ibid.).

It is worth here to point out institutional structures at the local level that can be used in areas in which national minorities live, which to some extent mitigate the negative effects of amalgamation on minority participation in public affairs. The Law on Local Self-Government prescribes that in cities, community councils of the neighbourhood are to be set up (Article 68.1). Members of a community council are residents of the neighbourhood, on a voluntary basis. As a rule, such a council is established in each neighbourhood, but the municipal council (the representative body of the municipality) can decide to create more community councils for one neighbourhood or a joint community council for several neighbourhoods (Article 68.4). The work of the community councils is managed and organized by a community liaison person, who is elected among the members of the community council (Article 68.3). The liaison person and the community council can support the governing functions of the municipality in their neighbourhood and can

implement projects in the interest and for the benefit of the community (Article 69.1). The municipal council can delegate certain functions and powers to be performed by the community council and decide on the financial amounts for the performance of the delegated tasks (Article 69.2). The law also stipulates the basic structure in the village: it is composed of the head of the village and the village leadership. The village leadership is elected in a village meeting, provided that at least half of the eligible voters are present and the rules of the law on the gender equality are respected (Article 70.1). The village leadership elects the head of the village among its members (Article 70.3). The head of the village and the village leadership support and implement the self-governing function of the municipality in the village and take care of local economic development, use of shared resources and social harmony (Article 71.1). More specific tasks refer to water management (water supply, wastewater, irrigation systems), roads and public squares, village commentaries and preservation of national resources (Article 71.2).

Generally, the Albanian reform has been positively assessed (Swianiewicz, Gendźwiłł & Zardi, 2017, p. 98), although the criticism remains that "no satisfactory connection has been made between territorial and other local government reforms (in particular functional and financial reforms)" (Ibid.). It is positive that the position of the municipalities with the majority population belonging to national minority has been acknowledged in the reform and that these were excluded from the amalgamation that would have changed the demographic proportions. Such an approach is, however, recommendable only if the amalgamated minority municipalities also benefit from the general outcomes of the reform (improved service delivery, reduced costs or better local governance). Thus, the "minority criterion" has to be balanced with the functionality criterion, and it is not sufficient just to merge municipalities inhabited with national minorities in one bigger municipality. When it comes to the amalgamation of municipalities in which national minorities do not constitute the majority of the local population, it is negative that no safeguards were established for the enjoyment of minority rights in light of the changed demographic proportions.

3. Denmark

The territorial reform in Denmark was part of a comprehensive local government reform, also known as the Structural Reform. The reform had a clear timeline: it was initiated in 2002, when the Commission on Administrative Structure (the Structural Commission) was established; in 2004, the Structural Commission concluded a white paper on the reform and the ruling parties made the "Agreement on a structural reform" that was supplemented with the "Implementation Plan"; in 2005, the "Territorial Agreement" was concluded and the parliament voted and approved the reform; in 2006, the "Agreement on a Local Government Financing Reform" was made and eventually, in 2007, the reform was implemented (The Ministry of Economic Affairs and Interior, 2013, pp. 42-44; Chatzopolou & Poulsen, 2017, p. 284).

The Structural Reform had three elements: the territorial reform, the task reform and the financing reform. The main feature of the territorial reform was reducing the number of municipalities from 271 to 98 and abolishing 14 counties for creation of five regions. The purpose of the territorial-administrative mergers was to create "municipalities and regions with greater professional and financial sustainability" (The Ministry of Economic Affairs and Interior, 2013, p. 45), a step that was needed for the new division of tasks, especially with regard to the new competences assigned to the municipalities. The basis for the formation of new municipalities was a demographic parameter and it was recommended that a new (merged) municipality has 30,000 inhabitants (Ibid.). The minimal size for municipalities was set at 20,000 inhabitants, and the ones that do not meet this criterion were required to cooperate with neighbouring municipalities and so create the population basis of 30,000 inhabitants (Ibid.; see also, Chatzopolou & Poulsen, 2017, p. 285). As a result, only 7 municipalities out of 98 have less than 20,000 inhabitants and the average size of a municipality has increased from 20,000 to some 55,000 inhabitants (The Ministry of Economic Affairs and Interior, 2013, p. 45). The process of municipal amalgamation was "a voluntary and locally anchored process", provided that the set requirements are met, thus it can be described as a "controlled voluntary process" (Chatzopolou & Poulsen, 2017, p. 285). The territorial reform also covered the second tier and resulted in creation of five regions instead of 14 counties. Yet, the creation of larger regions was not connected with delegating more tasks to them: competences-wise, the regions remained hollow and in essence reduced to just management of the health sector (hospitals). As a matter of fact, the need to provide hospital services "at a high professional level" was the main rationale for creation of larger units with "improved professional and financial" capacities (The Ministry of Economic Affairs and Interior, 2013, p. 45).

An important segment of the Structural Reform was a new distribution of tasks between municipalities, regions and the state. The main feature of the reform in this respect was the empowerment of municipalities, which became "responsible for most of the welfare related tasks" ("Structural Reform", n.d.). As a result of the reform, the municipalities "have become the citizens' main access point to the public sector" (Ibid.). They were given a number of tasks related to "health, employment, the social services area and special education, business service, public transport and roads, nature, environment and planning, culture as well as interdisciplinary citizen service" (The Ministry of Economic Affairs and Interior, 2013, p. 44; for a detailed list of the municipalities' tasks, see Ibid., pp. 46-47). The main competences of the regions relate to the hospital service, but they also cover regional development, social services and transport (Ibid.). The state has kept the "traditional" competences like policing, defence, judicial system and foreign policy, same as the setting of the overall frameworks. Interestingly enough, the reform has resulted also in some tasks moving to the state level, such as tax collection and general nature and

environmental tasks (Ibid., p. 44, in detail p. 47).

The third pillar of the reform was the financing reform, which brought "restructuring in the financing of the municipalities and consequential amendments on the tax system as a result of the abolishment of the counties" (Ibid., p. 42). As a result of the reform, the regions have lost the right to impose taxes and are financed partly by the municipalities and partly by the state ("Structural Reform", n.d). The main principle of the financial reform was that "the money followed the task" (The Ministry of Economic Affairs and Interior, 2013, p. 45). For the tasks transferred from the former counties to the municipalities, the municipalities were compensated through the block grant (Ibid.). For the purpose of determining the distribution key for the block grant a new equalisation method was introduced, whereby "equalisation is done on the basis of the individual municipality's structural profit or loss as an overall expression of the municipality's financial situation" (Ibid., p. 46). In addition to this, "municipal taxes were restructured to the block grant with a view to achieving a more equal revenue distribution" (Ibid).

In Denmark, the status of national minority is enjoyed by the German minority in South Jutland (Sønderjylland in Danish, Nordschleswig in German; see the Danish Declaration to the FCNM). As a result of the territorial reform, 23 municipalities in South Jutland were reduced to 4, and the area (of about 250,000 inhabitants) became part of the region of South Denmark (about 1.2 million inhabitants) (Hansen, 2012, p. 183).

The main concerns of the German minority about the outcomes of the reform related to the sustainable funding for cultural and social work, securing the political representation in the enlarged territorial units and participation in the cross-border cooperation (Ibid.). The question of the funding was clarified very soon, and the legal safeguards have been established to secure that the subsidies existing before the reform will continue after the reform (Ibid.). The German minority schools were also secured from any adverse impact of the reform, as these schools are subsidized by the State according to the law that remained unaffected with the reform (The Government of Denmark, 2005, p. 13). What appeared to be problematic was the issue of travel subsidies for students choosing another school than the district school. The German minority argued that harmonisation of the rules on the travel subsidies affected disproportionately the school children of the German minority because they often travel over great distances to attend school (Ministry of the Interior and Health, 2010, p. 13). The authorities acknowledged the problem and an actual payment ceiling has been imposed per child per month and per family per month for German minority schools (Ibid). Also questionable was the impact of the reform on the kindergartens of the German minority. It has been acknowledged that "the minority kindergartens are relatively small and unprofitable", for which reason the risk existed for new municipalities to terminate agreements with them (The Government of Denmark, 2005, p. 13). The solution was provided through the possibility to convert minority kindergartens into a new kind of

private institutions, which no longer depend on an agreement with the municipalities (Ibid., p. 14; for details see Ministry of the Interior and Health, 2010, pp. 14-15). The most attention was attracted by the question of the effects of the reform on political participation. The German minority expressed serious concerns that in the context of fewer larger local authorities, the possibility for minority representation at the local level would diminish (Ibid., p. 11). The Danish authorities engaged in a dialogue with the German minority, as a result of which the Executive Order was adopted in 2005 on the promotion of the German minority in the representation of South Jutland (local authorities Haderslev, Tønder, Aabenraa and Søndenborg; Ibid.). The following solutions were stipulated as safeguards for the German minority representation: In the four local councils of South Jutland, 31 members must be elected in a local councils if the party list of the German minority won at least one seat at the most recent or second most recent local council election; if the party list of the German minority does not win at least one seat in the local council, it will be entitled to a delegate (with same rights as members of the local council except for the right to vote), provided that it obtains at least 25% of votes corresponding to the lowest electoral quota carrying a seat at the election; and the local councils in the four municipalities are obliged to establish a special committee (serving a preparatory or advisory function in respect of the local council, the finance committee and the standing comities for issues relevant for the German minority) if the minority list wins at least 10% of the number of votes corresponding to the lowest electoral quota carrying a seat at the election (but does not achieve the thresholds needed for a seat of a delegate) (Ibid., pp. 11-12). At the regional level, safeguards have been established with regards the minority participation in the regional growth forums, bodies "which are to strengthen regional development and growth conditions" (Ibid., p. 12). The rule is that, if in the region of South Denmark more than one growth forum is established, then the German minority is entitled to one representative in the forum closest to the German border, and in the case of one growth forum in the region, the German minority is entitled to one observer seat (Ibid.). Furthermore, there are also some safeguards established for the participation of the German minority in the forums for the cross-border cooperation with Germany (Ibid., pp. 12-13).

The brief analysis of the territorial reform in Denmark leads to two important findings. First, the territorial reform was part of the wider structural reform and as such interlinked with the redivision of tasks between the three levels of government and with the financial reform. This is a useful reminder that the territorial reform, in general, is not solely about (re)drawing local boundaries but it requires a serious consideration about the competences the enlarged territorial units will have. Thus, territorial reform is closely interlinked with the decentralisation process (including fiscal decentralisation) and its prospects for success increase if it is combined with a wider local governance reform. Second, the possible negative impacts of the territorial reform on the position of the German national minority

have been acknowledged and the Danish authorities engaged in a dialogue with the representatives of the German minority trying to find solutions to mitigate such negative effects. As a result, several safeguards have been established for the German minority, especially regarding the right to political participation. This is a good example of a flexible and constructive approach (of both the authorities and the minority representatives) that resulted in some accommodations for national minorities with the aim to counterbalance the (negative) effects of the territorial reform.

4. Finland

The territorial reform in Finland was part of a reform to restructure municipalities and services, the so-called PARAS reform. The reform was initiated in 2005, the political decision on the reform was made in 2006, in 2007 the legal basis for the reform was set with the adoption of the Act (169/2007) on Restructuring Local Government and Services, and the implementation phase took place from 2009 to 2012 (Meklin & Pekola-Sjöblom, 2013, p. 8; Sandberg, 2010, pp. 50-51). The main motive for the reform was to reshuffle municipal welfare services and municipal finances in the context of the demographic challenges caused with population aging. This is not surprising, because population aging affects the local tax base, municipal service structures and the local personnel (Sandberg, 2010, p. 52). In addition, "increasing the functionality of urban regions" and strengthening "local self-government and democracy" were also identified as important reform goals (Ibid., p. 58). Generally, the aim was to "improve productivity, slow down the rise in local government spending and create a sound basis for steering the services organised by local authorities" (Section 1 of the Act 169/2007, cited according to Meklin & Pekola-Sjöblom, 2013, p. 7). The focus was on "strengthening the financial and professional capacity of the municipalities to fulfil their tasks", but no fundamental changes have been made with regards to the municipal tasks (Sandberg, 2010, p. 53). The reform in Finland was multidimensional, as it included municipal mergers, inter-municipal cooperation for service provision and better governance in urban regions (OECD, 2017, p. 120). As a matter of fact, the Act 169/2007 set the objectives of the reform, but left to the municipalities to choose among the three approaches to achieve the set objectives. Thus, municipalities could either merge or engage into inter-municipal cooperation and so create larger areas for service provision. The third option was envisaged for the Helsinki Metropolitan Area and other city regions and it referred to strengthening operating prerequisites for more efficient service delivery. As a result, amalgamation was not compulsory in Finland, and municipalities were free to decide whether and, if yes, how they will merge. However, "mergers have been encouraged by merger grants" (Meklin & Pekola-Sjöblom, 2013, p. 14). The main parameters for the determination of the merger grant were the population size and the number of municipalities involved in

the merger (Ibid., p. 14). Through the merger grant, the government encouraged mergers of three or more municipalities and favoured rapid action, as the merger grant was gradually reduced after 2009 (Ibid.; see also, Sandberg, 2010, p. 56). On the other hand, no such financial incentives were provided to encourage inter-municipal cooperation. This is not surprising, taking into account that this option has been the most preferred solution for the municipalities (Sandberg, 2010, p. 56). As part of the PARAS reform, 67 municipal mergers occurred in Finland in the period 2007-2013. The number of municipalities decreased in 2013 by 111 in comparison to 2006 (Meklin & Pekola-Sjöblom, 2013, p. 13). In most of the cases (45), two municipalities were engaged in amalgamation. The rest were so-called multi-municipal mergers covering more than two municipalities, which in some cases reached the number of six or ten municipalities involved in a merger (Ibid.). Furthermore, most mergers centred on the central urban municipality (Ibid., p. 14). Interestingly, some municipalities also experienced successive or chained mergers (Ibid.). Finally, in most cases the decision about the merger was made by the local councils and a referendum was an exception to the rule (Ibid.).

The main concern about the effects of the municipal reform on the protection of national minorities was about the linguistic equality and the scope of the linguistic rights in the new municipal structures. According to the Third State Report on the FCNM submitted by Finland, "the Swedish Assembly has brought up its concern for the safeguarding of the linguistic rights of the Swedish-speaking inhabitants in municipalities in conjunction with the municipal reforms" (The Government of Finland, 2010, p. 78). The Advisory Committee on the FCNM also warned that reducing the number of municipalities by creating fewer and larger ones, "may also have a negative impact on the already limited provision of public services in the Sami languages within the Sami Homeland" (Advisory Committee, 2010, p. 36). As a matter of fact, the main concern was that the creation of larger municipalities would lead to a decrease in the number of bilingual municipalities (Ibid.). The answer to this challenge is provided by Section 1 of the Act 169/2007, which obliges authorities to take account of, among other things, the rights of the Finnish- and Swedish-speaking populations to use their own language and have access to services in this language, when they plan and implement measures envisaged with the Act (The Government of Finland, 2010, p. 78). The linguistic rights of the Sami, their rights to maintain own language and culture and their linguistic and cultural autonomy must also be taken into consideration in planning and implementing the reform measures (Ibid.). Furthermore, the Act permits deviations from the conditions set for the establishing of new municipalities or cooperation areas, if this is needed for safeguarding the linguistic rights of the

Swedish- or Finnish-speaking inhabitants (Ibid). The Act also prescribes that bilingual and monolingual Swedish-speaking municipalities must also be members of joint municipal authorities, which have a task to safeguard the provision of services in the Swedish language in the member municipalities (Ibid.). In its Third Opinion on Finland, the Advisory Committee urged the authorities "to ensure that the linguistic rights of its citizens are duly taken into account when planning and implementing administrative as well as local government reforms" (Advisory Committee, 2010, p. 36). More specifically, it has been recommended to "avoid any measures that could further weaken the availability of services in the Swedish language" and "ensure that the linguistic rights of the Sami are fully taken into account when devising changes to the administration system in northern Finland" (Ibid.). In the Fourth State Report on the FCNM, Finland reported legislation changes that made the conversion from a monolingual to a bilingual municipality easier (The Government of Finland, 2015, pp. 102-103). The rationale behind the legislation change was to secure the possibility for municipalities that lost language-based government aid, to receive compensation for expenses incurred by language services. As a matter of fact, only bilingual municipalities may receive language-based government aid. The decision about the language status of a municipality is taken by the government, for the period of ten years, based on census data. For a municipality to be declared bilingual, the Finish-speaking or Swedish speaking minority must form at least 8% or 3,000 residents. If the minority share falls below 6% or 3,000 inhabitants, then it must be declared monolingual. The change of status from monolingual to bilingual municipality is possible also within the ten-year period, if a municipal council files the proposal to the government. In the Fourth Opinion on Finland, the Advisory Committee observed that the reforms aimed at creating larger units pushed "certain Swedish-only municipalities to switch from the status of monolingual to a bilingual municipality in order to continue receiving financial support to ensure education in the other official language" (Advisory Committee, 2016, p. 34). Against this background, the Advisory Committee emphasised "the importance of paying heightened attention to minorities' linguistic rights in any reform process as well as to the need not to put undue burden on municipalities as a result" (Ibid., p. 35).

Municipalities in Finland play a significant role in the structure of governance and enjoy a long tradition of autonomy. In this context, a fully top-driven municipal reform was impossible and instead on the central level the general guidelines for the reform were established, but the municipalities were left the choice between the alternative ways to achieve the reform goals. The possibility of municipal amalgamation was one of the options, and indeed it was a preferable option for the government, as it fostered the mergers with financial subventions. Yet, in the end,

the reform resulted in an asymmetric structure at the local level, because some municipalities decided to merge whereas others opted for the inter-municipal cooperation option. The main concern for national minorities was the impact of the reform on language rights and access to services in their own language. Although the framework law (Act 169/2007) stipulated the obligation to take into the consideration the linguistic rights of the Swedish-speaking and Sami-speaking population, it seems that in practice this was not always the case. It appears that the issue of language was not sufficiently taken into account in merger agreements (Meklin & Pekola-Sjöblom, 2013, p. 48). Mergers have also caused a decrease in the number of Swedish-only and bilingual municipalities, whereas changes in regulation enabled easier conversion of the status from a monolingual to bilingual municipality.

5. The Netherlands

The decrease in the number of municipalities through municipal amalgamation has been a gradual and continuous process in the Netherlands, and it is still ongoing. The first wave of significant amalgamations was in the 1950s, the second in 1980s, and ever since amalgamations occur on a yearly basis. The latest amalgamations became valid as of 1 January 2019, when 12 new municipalities resulted from the mergers of 34 old municipalities (in most of these cases three municipalities merged into one, but in some cases, mergers covered two, four or even five municipalities; "Gemeentelijke herindelingen per 1 januari 2019", n.d.). Currently, there are 355 municipalities in the Netherlands ("Gemeentelijke indeling op 1 januari 2019", n.d.), whereas, for instance, the number in 2012 was 415 (Ibid.), or in 1990, 672 (Swianiewicz, Gendźwiłł & Zardi, 2017, p. 13).

The rules and principles for amalgamation are set in a special law ("Wet algemene regels herindeling") and in a policy document of the government on the municipal boundary reform ("Beleidskader gemeentelijke herindeling"). Although "the government does not want to force municipalities to merge", but rather "wants the municipalities themselves to take the initiative" ("Merging municipalities", n.d.), the process of amalgamation is not fully left to the municipalities. As a matter of fact, amalgamations "require a collaborative effort of the three tiers of government" (Boedeltje & Denters, 2010, p. 120). First, ideally, the initiative for amalgamation is made by municipalities, but there is also a possibility for province authorities or even the Ministry of Interior to initiate the merger. The latter can occur if the municipality faces administrative or financial problems that hamper its capacity to perform local tasks ("Merging municipalities", n.d.). The further procedure for municipal amalgamation involves municipalities, provincial authorities, the government and the parliament. The preparation of the amalgamation plan lays in the hands of the provincial authorities: the provincial executive board prepares a draft plan and sends it to the councils of the affected

municipalities for comment (Boedeltje & Denters, 2010, pp. 120-121). The residents of affected municipalities also have the opportunity to express their views about the proposed plans for amalgamation (Ibid., p. 121; also "Merging municipalities", n.d.). The provincial authorities can take the comments of the municipal councils and residents in consideration when developing the final plan but are not bound by them; in the end, the amalgamation does not require the consent of municipalities involved in amalgamation (Boedeltje & Denters, 2010, p. 121). When the final plan is adopted at the provincial level, then it is sent to the Ministry of Interior and the government has to provide the approval. The government assesses the plan on grounds of five criteria: public support, internal coherence (whether the towns/villages fit together), administrative capacity, balance in the region and sustainability ("Merging municipalities", n.d.). If the assessment is positive, the government then drafts a bill and sends it to the parliament for adoption. Thus, it is the parliament that has the final say in the amalgamation process. If the assessment is negative, the government sends the plan back to the provincial level for improvements.

In the Netherlands, minority protection applies to the Frisians (see the Dutch Declaration to the FCNM). They live in the Province of Friesland (Fryslân), which is one of the 12 provinces in the Netherlands. The province of Friesland is a bilingual province (both Dutch and Frisian are the official languages) and has a number of special responsibilities relevant for the protection of the Frisians and the Frisian language, but does not enjoy any special autonomous status (The Netherlands, 2008, p. 5). As a result of the redrawing municipal boundaries in 1984, the number of municipalities in the province of Friesland was reduced by 13, from a previous figure of 44 to then become 31 municipalities. This number of municipalities the Netherlands also reported in its First State Report on the FCNM (Ibid.). According to the accurate data, there are now 18 municipalities in the province in 2019 ("Bestuurlijke organisatie en kwaliteit lokaal bestuur", n.d.). Thus, in about one decade, through the gradual municipal amalgamation, the number of municipalities decreased almost by half. The general aim of the municipal mergers was to "strengthen the administrative capacity of Frisian municipalities in light of the (…) decentralisation of central government responsibilities to the local level" (The Netherlands, 2008, p. 6). In line with the general principles of the merger procedures, the overall coordination over process was performed by the Province of Friesland (Ibid. pp. 5-6). The question of the effects of the creation of larger municipalities on the position of the Frisians and especially the Frisian language was raised in the monitoring on both the FCNM and the ECRML. In the First State Report on the FCNM, the Dutch authorities claimed that "a focus on Frisian language is not playing any role" in "the drawing of new boundaries for municipalities" (Ibid., p. 62). The reason for this was the assumption that "such a redrawing of municipality boundaries will not have any effect on the rights of Frisians in their relations with the new municipalities to be created" (Ibid.). In response to this, the

Advisory Committee on the FCNM has called the authorities to carry out adequate consultations with the persons concerned and that the resulting solution will duly take into account the principles set out in Article 16 of the FCNM (Advisory Committee, 2009, p. 25). The Second State Report provided some general and vague comments on the "support base" (i.e. need for "achieving the largest possible support base for a proposal to redraw boundaries"; The Netherlands, 2012, p. 38) as a response to the recommendation to consult the Frisians in the process. On the other hand, the Second Opinion on the Netherlands is more informative, because it reveals the position of the Frisian minority about the merger of municipalities. Two issues have been emphasised as potentially problematic: the closure of a number of small schools where the Frisian language is used, that might result from the municipal merger and might have negative effects on the use of Frisian language in all aspects of social and daily life; and the altering of the proportions of the Frisian population in certain areas that might result in restriction of their rights and freedoms (Advisory Committee, 2013, p. 25). Against this background, the Advisory Committee called on the authorities "to take measures, in close consultations with persons concerned, to ensure that the possible future reform of the Northern municipalities and provinces will not have negative repercussions on the situation of persons belonging to the Frisian minority" (Ibid.). The Third State Report on the FCNM reveals that since 1 January 2014, the Use of Frisian Act has been in force, according to which Dutch and Frisian are the official languages in the province of Friesland, making it possible for anyone residing in the province to use Frisian in administrative matters (The Netherlands, 2018, p. 29). The second "safeguard" for the use of Frisian in the merged municipalities is, according to the Third State Report, "an active language policy" (Ibid., p. 28). The provincial authority has the role of facilitator in the development of the language policy, and it is requested from the municipalities "that are at the start of a boundary change procedure to indicate in the proposal and recommendations how they intend to pursue an active language policy" (Ibid.). After the boundary changes take effect, it is up to the municipality council to adopt and implement a language policy, but from the very start of the merging procedure, the provincial authorities "encourage a discussion of how the Frisian language can be promoted" (Ibid.). The documents related to the monitoring of the implementation of the ECRML in the Netherlands also reveal important additional information. It the Fifth Report on the ECRML, the Netherlands stated that the conclusion of administrative agreements between central government, the Province of Friesland and the relevant municipalities is "standard policy in relation to the merger of municipalities in the province of Fryslân" (The Netherlands, 2015, p. 7). The content of the agreement is negotiated between the parties (the Ministry of Interior representing the central government, the province and the municipalities concerned), with the main purpose to "safeguard against linguistic rights taking a turn for the worse" following the municipal mergers (Ibid.). The agreements acknowledge the language

composition of the merged areas and the position of the Frisian in it, the value of multilingualism, the respective international obligations the Netherlands has taken and the general national framework for protection of the Frisian language and culture, the need to preserve the Frisian language and culture in the context of municipal merger and, as a core, list the agreed points for action. The latter are mostly vague and in essence refer to the obligation of the municipalities to adopt and implement the language policy and to deliver reports on the state of affairs regarding the use of Frisian language (see, for instance, "Bestjoerlike oerienkomst Frysk taalbelied yn de nije gemeenten Ljouwert en Súdwest-Fryslân en yn de nij te foarmjen gemeente Waadhoeke", Staatscourant 2017 nr. 69672 or "Bestuurlijke overeenkomst Fries taalbeleid in de nieuw te vormen gemeente Noardeast-Fryslân en de gemeente Dantumadiel, Ministerie van Binnenlandse Zaken en Koninkrijksrelaties", Staatscourant 2018 nr. 72543). It is also worth mentioning that, in the Netherlands, the multiannual Administrative Agreement on Frisian Language and Culture between the central government and the Province of Friesland (the current one covers the period from 2019-2023) also forms part of the general framework for the protection of Frisians and their language, and is also relevant and applicable in the new (merged) municipalities, as being part of the Province. In addition to this, the Administrative Agreement also regulates the issue of municipal mergers and prescribes that in the event of municipal boundary changes, central government and the province will notify the concerned municipalities about the need to adopt an adequate municipal language policy that promotes the use of Frisian (Chapter 3.2., point 1). The central government and the province will also, in consultation with the parties involved, make arrangements to protect and promote the position of Frisian in the newly formed municipality (Ibid.). Despite all these efforts, "according to the representatives of the Frisian speakers, in practice the position and protection of Frisian has weakened in the new municipalities" (Committee of Experts, 2016, p. 9). The main reason for this is the abolishing of rural municipalities (and rural areas are largely Frisian-speaking) and creation of administrative centres of new municipalities in larger cities where Frisian is spoken to a lower extent (Ibid., p. 24). This results in the Frisian language to receive less attention and support, leading to a decrease in its use (Ibid.). Against this background, the Committee of Experts has encouraged the Dutch authorities to "ensure that Frisian can be used in practice in the new municipalities" (Ibid.).

The amalgamation of municipalities is in the Netherlands a continuous process that lasts for decades. The main actor in the amalgamation are the provincial authorities, in the interaction with both the central authorities and the municipalities. The municipalities in the province of Friesland have also undergone a significant decrease in number: in about one decade their number was reduced almost by half. The main approach of the Dutch authorities to mitigate the negative effects of the municipal amalgamation in Friesland, was to create general frameworks and safeguards that

would apply regardless of the current municipal boundaries. The milestones of this framework are the Use of Frisian Act and the Administrative Agreement on Frisian Language and Culture, as well as the central role of the provincial authorities in the protection of Frisians and their language. In addition to this, the specific safeguards are provided in the language policy, which municipalities are obliged to develop and implement on the basis of the specific administrative agreements. Unfortunately, it appears that these efforts were insufficient to mitigate the negative (side-)effects of the municipal mergers on the use of Frisian language. As one recent study showed, the municipal mergers bring the Frisian language policy under pressure and result in less attention paid to the Frisian language and decline in its use ("Fries taalbeleid onder druk bij gemeentelijke herindelingen", n.d.).

Conclusions

Municipal amalgamation is one of the most typical and often-used tools in administrative-territorial reforms. The guiding idea is to improve the cost-efficiency ratio at the local level through creation of larger territorial (municipal) units. This generally legitimate approach bears a risk of decreasing the quality of national minority protection, caused mainly through the changes in demographic proportions in the newly established municipal units. For this reason, special attention is needed when drafting and implementing amalgamation reforms in areas where national minorities live. Usually, additional measures are necessary in order to mitigate negative side-effects of the amalgamation on national minority protection. The paper has outlined four examples of accommodating minority protection into the municipal amalgamation. In Albania, the solution was found in the exclusion of the municipalities with majority population belonging to national minorities from the general rules of amalgamation. In Denmark, the solution was to establish some safeguards for enjoyment of minority rights (most striking are the rules for political participation). In Finland, amalgamation was, together with the inter-municipal cooperation, one of the two alternative reform modules, and the approach was to establish some general rules on the necessity to take into consideration the linguistic aspect and so to mitigate the negative effects of amalgamation. The Netherlands tries to mitigate the negative effects of the municipal amalgamation on the Frisian language through setting the rules for the minority protection at the provincial level and strengthening the institutional role of the provincial authorities (the province of Friesland), and so to 'relativize' the effects of the changes of municipal borders. Out of the four examples, the Danish approach seems to be most successful. The success came out of the constructive dialogue between the authorities and the German minority, the flexibility of both sides and the readiness of the authorities to establish some safeguards for the German minority in the new (territorial) context. In the end, the reform has been accepted and uncontested and proved to be a model that works (at least in the Danish context). Yet, even the Danish example shows that there is no 'perfect' amalgamation reform that is fully neutral to minority

protection. The very concept of amalgamation as creation of larger municipal units inevitably challenges the enjoyment of minority rights, at least the ones with a territorial dimension. What is important then is to find a fine balance: while persons belonging to national minorities should also benefit from the general assets of the amalgamation reform (better quality of services at the local level), the 'price' they potentially bear (such as lower number of schools, lower financial subsidies or lower number of minority mayors or municipal councillors, just to name a few) should not be disproportionally high.

References

"Bestuurlijke organisatie en kwaliteit lokaal bestuur", (n.d.). Available at: https://www.fryslan.frl/beleidsthemas/bestuurlijke-organisatie-en-kwaliteit-lokaal-bestuur_42749 (accessed 19 March 2019).

"Fries taalbeleid onder druk bij gemeentelijke herindelingen", (n.d.). Available at: https://dingtiid.frl/nl/fries-taalbeleid-onder-druk-bij-gemeentelijke-herindelingen/ (accessed 19 March 2019).

"Gemeentelijke herindelingen per 1 januari 2019", (n.d.). Available at: https://www.rvig.nl/actueel/nieuws/2018/08/10/gemeentelijke-herindelingen-per-1-januari-2019 (accessed 19 March 2019).

"Gemeentelijke indeling op 1 januari 2019", (n.d.). Available at: https://www.cbs.nl/nl-nl/onze-diensten/methoden/classificaties/overig/gemeentelijke-indelingen-per-jaar/indeling%20per%20jaar/gemeentelijke-indeling-op-1-januari-2019 (accessed 19 March 2019).

"Merging municipalities", (n.d.). Available at: https://www.government.nl/topics/municipalities/merging-municipalities (accessed 19 March 2019).

"Structural Reform", (n.d.). Available at: https://english.oim.dk/responsibilities-of-the-ministry/economics-of-municipalities-and-regions/structural-reform/ (accessed 19 March 2019).

Advisory Committee on the FCNM, Fourth Opinion on Romania, ACFC/OP/IV(2017)005, available at https://rm.coe.int/fourth-opinion-on-romania-adopted-on-22-june-2017/168078af76 (accessed 19 March 2019).

Advisory Committee on the FCNM, Fourth Opinion on Switzerland, ACFC/OP/IV(2018)003, available at https://rm.coe.int/4th-advisory-committee-opinion-on-switzerland-english-language-version/16809002ca (accessed 19 March 2019).

Advisory Committee on the FCNM, Fourth Opinion on Ukraine, ACFC/OP/IV(2017)002, available at https://rm.coe.int/fourth-opinion-on-ukraine-adopted-on-10-march-2017-published-on-5-marc/16807930cf (accessed 19 March 2019).

Advisory Committee on the FCNM, Opinion on the Netherlands, ACFC/OP/I(2009)002, available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008bd27 (accessed 19 March 2019).

Advisory Committee on the FCNM, Second Opinion on Finland, ACFC/OP/II(2006)003, available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008c179 (accessed 19 March 2019).

Advisory Committee on the FCNM, Second Opinion on Montenegro, ACFC/OP/II(2013)002, available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008c1ac (accessed 19 march 2019).

Advisory Committee on the FCNM, Second Opinion on the Netherlands, ACFC/OP/II(2013)003, available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008c1ae (accessed 19 march 2019).

Advisory Committee on the FCNM. Fourth Opinion on Finland. ACFC/OP/IV(2016)002, available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae11a (accessed 19 March 2019).

Advisory Committee on the FCNM. Second Opinion on the Netherlands, ACFC/OP/II(2013)003, available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008c1ae (accessed 19 March 2019).

Advisory Committee on the FCNM. Third Opinion on Finland. ACFC/OP/III(2010)007, available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008c678 (accessed 19 March 2019).

Boedeltje, M. & Denters, B. (2010). Step-by-Step: Territorial Choice in the Netherlands. In: Baldersheim, H. & Rose, L.E. (eds). *Territorial Choice. The Politics of Boundaries and Borders*. Palgrave Macmillan, 2010, pp. 118-137.

Chatzopoulou, S. & Poulsen, B. (2017). Combining Centralization and Decentralization in Danish Public Administration. In Ruano, J.M. & Profiroiu, M. (eds.), *The Palgrave Handbook of Decentralisation in Europe*. Palgrave Macmillan. pp. 273-296.

Committee of Experts on the ECRML, Application of the Charter in Denmark, 1st monitoring cycle. ECRML (2004) 2. Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806d87b7 (accessed 19 March 2019).

Committee of Experts on the ECRML, Application of the Charter in Denmark, 2nd monitoring cycle. ECRML (2007) 6. Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806d87ba (accessed 19 March 2019).

Committee of Experts on the ECRML, Application of the Charter in Finland, 3rd monitoring cycle. ECRML (2007) 7. Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806d87e8 (accessed 19 March 2019).

Committee of Experts on the ECRML, Application of the Charter in Finland, 4th monitoring cycle. ECRML (2012) 1. Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806d87eb (accessed 19 March 2019).

Committee of Experts on the ECRML, Application of the Charter in Germany, 2nd monitoring cycle. ECRML (2006) 1. Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806d8821 (accessed 19 March 2019).

Committee of Experts on the ECRML, Application of the Charter in the Netherlands. 5th monitoring cycle. ECRML (2016) 4. Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806d8e13 (accessed 19 March 2019).

Committee of Experts on the ECRML, Application of the Charter in Romania. 1st monitoring cycle, ECRML (2012) 3. Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806db957 (accessed 19 March 2019).

Committee of Experts on the ECRML, Application of the Charter in Switzerland, 4th monitoring cycle, ECRML (2010) 8. Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806dba94 (accessed 19 March 2019)

Explanatory Report to the European Charter for Regional or Minority Languages, 1992; Available at: https://rm.coe.int/16800cb5e5 (accessed 19 March 2019).

Explanatory Report to the European Charter of Local Self-Government, 1985; Available at: https://rm.coe.int/16800ca437 (accessed 19 March 2019).

Explanatory Report to the Framework Convention for the Protection of National Minorities, 1995; Available at: https://rm.coe.int/16800cb5eb (accessed 19 March 2019).

Hansen, H.H. (2012). Zur politischen Vertretung der deutschen Minderheit in Dänemark nach der Kommunalreform von 2007, *Europäisches Journal für Minderheitenfragen,* 5 (3), pp. 181-186.

Meklin, P. & Pekola-Sjöblom, M. (2013) *The reform to restructure municipalities and services in Finland: A research perspective. A summary of the findings of the Evaluation Research Programme ARTTU 2008–2012.* Helsinki: Association of Finish Local and Regional Authorities.

Ministry of the Interior and Health. Denmark's third report under the Council of Europe's Framework Convention for the Protection of National Minorities, ACFC/SR/III(2010)004, available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008b7e6 (accessed 19 March 2019).

OECD (2017). *Multi-level Governance Reforms: Overview of OECD Country Experiences*. Paris: OECD Publishing. Available at https://read.oecd-ilibrary.org/governance/multi-level-governance-reforms_9789264272866-en#page1 (accessed 19 March 2019).

Sandberg, S. (2010). Finnish Power-Shift: The Defeat of the Periphery? In: Baldersheim, H. & Rose, L. E. (eds). *Territorial Choice. The Politics of Boundaries and Borders*. Palgrave Macmillan. pp. 42-60.

Swianiewicz, P., Gendźwiłł, A. & Zardi, A. (2017) *Territorial Reforms in Europe: Does size Matter? Territorial Amalgamation Toolkit*. Council of Europe, Centre of Expertise for Local Government Reform. Available at https://rm.coe.int/territorial-reforms-in-europe-does-size-matter-territorial-amalgamatio/168076cf16 (accessed 19 March 2019).

The Government of Denmark (2005). Comments of the Government of Denmark on the Second Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities in Denmark, GVT/COM/INF/OP/II(2004)005. Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008f50f (accessed 19 March 2019).

The Government of Finland (2010). Third Periodic Report on Implementation of the Framework Convention on the National Minorities. ACFC/SR/III(2010)001. Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008b7e1 (accessed 19 March 2019).

The Government of Finland (2015). Fourth Periodic Report by the Government of Finland on the Implementation of the Framework Convention for the Protection of National Minorities, ACFC/SR/IV(2015)001, Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016802f299f (accessed 19 March 2019).

The Ministry of Economic Affairs and the Interior (2013). *Evaluation of the Local Government Reform; Adjustment of the Local Government Reform*. Available at: https://english.oim.dk/media/16504/evaluation-of-the-local-government-reform-2013.pdf (accessed 19 March 2019).

The Netherlands (2015). Fifth periodic report in respect of measures taken by the Netherlands in relation to the implementation of the European Charter for Regional or Minority Languages, MIN-LANG (2015) PR8, available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c8e3b (accessed 19 March 2019).

The Netherlands (2008). Report submitted by the Netherlands pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities. ACFC/SR(2008)001, available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008b17e (accessed 19 March 2019).

The Netherlands (2012). Second report from the Netherlands. Under Article 25, Paragraph 2, of the Framework Convention for the Protection of National Minorities. ACFC/SR/II(2012)004, available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008b4e0 (accessed 19 March 2019).

The Netherlands (2018). Third Report submitted by the Netherlands pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities, ACFC/SR/III(2018)/001, available at https://rm.coe.int/third-report-netherlands-en/16808c8feb (accessed 19 March 2019).

The Ombudsman of Albania (2018). *Annual Report on the Activity of the Ombudsman Institution*. Available at: https://avokatipopullit.gov.al/ombudsman/media/manager/website/reports/REPORT%202017.pdf (accessed 19 march 2019).

The Republic of Albania (2016). Fourth Report on the FCNM, ACFC/SR/IV(2016)005. Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806befc5 (accessed 19 March 2019).

Totoni, L. & Frasheri, K. (2016). *Regionalism in Albania. Assembly of European Regions.* Available at https://drive.google.com/file/d/0B94jJjQLXnl-bkNIUm1Yc1V0bjg/view (accessed 19 March 2019).

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