

## DECENTRALIZATION AND THE NEED FOR TRAINING OF CIVIL SERVANTS - THE CASE STUDY OF FRANCE

Goran Gerasimovski

UNIBIT-Sofia, Bulgaria, goran.gerasimovski@gmail.com

**Abstract:** Decentralization consists of a transfer of powers and resources from the State to authorities distinct from it. These entities, called local authorities, are municipalities, departments, regions, communities with special status and overseas communities. Local authorities have legal personality (autonomous legal existence), their own resources and powers and therefore have local autonomy (articles 72 to 75-1 of the Constitution, European Charter of Local Self-Government of 1985) exercised by bodies elected within the framework of the law and under the control of the State. Through a process of decentralization, the State transfers some of its powers to local authorities and thus gives them a certain autonomy. Other entities may have public service attributions transferred to them, this is called functional decentralization. At the end of the 20th century, France gradually became more decentralized. This principle of decentralization has been mentioned in the Constitution since 2003. Through a long process of decentralization, France, which was a highly centralized unitary State, is now a deconcentrated and decentralized State (law of February 6, 1992 relating to the territorial administration of the Republic, known as the "ATR law"). This reality is now enshrined in Article 1 of the Constitution which, since the constitutional revision of March 28, 2003, provides that "the organization [of the French Republic] is decentralized". There are several stages in the decentralization policy: • the Defferre laws adopted from 1982 onwards constitute Act I of decentralization; • the constitutional revision of 2003 marks Act II of decentralization.

**Keywords:** Local authorities, Municipality Local authority, City - Territories Collective equipment, Training

### 1. INTRODUCTION

Since the Middle Ages, the French monarchy had tried to assert its authority over "an unconstituted aggregate of disunited peoples" according to Mirabeau's expression. It had thus tried to cut back on the innumerable franchises, privileges, and freedoms to which it had had to consent when the new entities entered the kingdom. However, at the end of the 18th century, the Comptroller General of Finances, Calonne, noted with disappointment: "one cannot take a step in this vast kingdom without finding different laws, conflicting customs, privileges, rights, and claims of all kinds". Despite all the efforts of the absolute monarchy, particularly in the 17th century when a centralizing project was clearly emerging, notably implemented by Colbert, centralization remained largely a horizon on the eve of the French Revolution. The French Revolution imposes centralization Because it is not the French monarchy that will implement national unification but rather the overthrow of the society of the Ancien Régime by the revolutionary storm. By wiping the slate clean, the Revolution lays the foundations of a new social edifice. The administrative confusion of the provinces is replaced by a uniform territorial organization with identical constituencies throughout the country: departments, districts, cantons, communes. Unification is also imposed in the field of financial, judicial, economic and even religious institutions, weights and measures are standardized throughout the territory, internal customs are abolished. The desire to impose French leads to a strong decline in patois and dialects. However, the effort of unification did not necessarily mean centralization. The Revolution, at its origins, was largely intended to be decentralizing, but the victory of the Montagnards, supported by the Jacobin Club, over the Girondins, led to the Jacobin dictatorship of Public Safety based on the Terror. Jacobin centralization around the capital was imposed in the new France, officially proclaimed "one and indivisible". The Consulate and the Empire completed the work of centralization Heir to revolutionary France, Bonaparte would accentuate centralization by deciding that the members of local assemblies would henceforth cease to be elected and would be appointed by the government, that the mayors of localities with more than 5,000 inhabitants would be appointed by the First Consul and, above all, that in each department, a single civil servant appointed by the central power, the prefect, would administer the territory. It was this highly centralized organization that the Empire would bequeath to 19th-century France. The 19th century does not call into question centralization .The various regimes that succeeded one another during the 19th century would maintain unchanged the centralizing structures inherited from the Revolution and the Empire that ensured national unity and the power of the central government over the entire country. In turn, the constitutional monarchy, the Second Republic, the Second Empire, and the Third Republic, with some nuances, would adopt the same administrative organization. One might have thought that the criticism by the republicans of imperial authoritarianism and the role of the prefects in the functioning of the Empire could have called into question the system of tight centralization that had prevailed since the beginning of the century. But the anxiety born of the insurrection of the Commune diverted the republicans who governed the country from any temptation of this order.

The First World War would begin to undermine this pillar of the republican model. The return to France of the departments of Alsace and Moselle, annexed by Germany in 1871, brought back into the national whole territories that retained the concordat status in religious matters and had not experienced the law of separation of church and state in 1905. In 1919, it was decided to leave the three departments the benefit of the Concordat. However, this breach of centralizing principles would remain a unique case. In the economic and social domain, a first act was taken in April 1919 by Étienne Clémentel, Minister of Industry and Commerce, who decided to create, around the framework of the Chambers of Commerce, seventeen regional economic groups that can be considered the ancestors of the economic regions. Economic regionalization, designed with a view to renovating the State and as an instrument for planning and developing the territory, will constitute, under the Fourth and Fifth Republics, the guiding principle of decentralization. (Baron, F./ Delamarre, M. (2025)) In 1981, following the election of François Mitterrand, the Minister of the Interior and Decentralization, Mayor of Marseille, Gaston Defferre, set about preparing the major reform of decentralization. From July 1981, the bill on the rights and freedoms of municipalities, departments and regions, the first bill submitted to the newly elected Parliament, was debated. The law was passed on January 28, 1982 and promulgated on March 2, 1982. Supplemented by the law of July 22, 1982, it introduced important changes in the territorial organization of the country, the most notable of which were: the establishment of the president of the general council as departmental executive in place of the prefect; the replacement of a priori administrative supervision by a posteriori jurisdictional control; the creation of a new financial jurisdiction: the Regional Audit Office, one of whose missions is to assist the prefect in matters of budgetary control; the promotion of the region as a fully-fledged territorial community, with a council elected by universal suffrage; in each department and region, the representative of the State (called in the law of 2 March 1982 "commissioner of the Republic") continues to be responsible for national interests, compliance with the laws, public order and administrative control. The laws of 7 January and 22 July 1983 modified the distribution of powers between municipalities, departments, regions and the State. (Verpeaux, M/ Rimbault, C. (2024))

## **2. DECENTRALISATION AND DECONCENTRALISATION**

Since the 1980s, local authorities have undergone profound upheavals, which have contributed to giving France the image of a more decentralised country than before. Local authorities, municipalities, departments and regions, but also special status communities and the diversity of communities located overseas, have thus acquired numerous and increasingly costly skills. This period was also marked by the irreversible development of inter-municipality. The current local institutional landscape is the result of two movements that have continued to strengthen over time and each of which has experienced a notable acceleration since 1982: on the one hand, the deconcentration movement and, on the other hand, the decentralisation movement. Deconcentration can be defined as a geographical shift of the State's decision-making power from Paris to the territories. The decentralized authorities of the territorial State (prefects, directors of public finances, rectors, decentralized services, etc.) are not elected by citizens but appointed by the State, with the notable exception of mayors (see below). (Kamel, W. 2010) They exercise their powers in administrative districts of the State which are divisions of the State territory: at present, these are the regions, departments, infra-departmental districts and municipalities. With the decentralization movement, the State has gradually transferred powers, resources and agents to entities that constitute legal entities under public law distinct from the State, which have a specific territorial base (region, department, etc.), which "administer themselves freely by councils elected" (art. 72 al. 3 of the constitution) by citizens "under the conditions provided for by law" and "have regulatory power for the exercise of their powers". (Bernard, G. /Deschodt, J.P./ Verpeaux, M. 2011) The 1958 Constitution does not establish a definitive list of local authorities. Paragraph 1 of Article 72 of the Constitution provides that: "The local authorities of the Republic are the municipalities, departments, regions, communities with special status and overseas communities governed by Article 74. Any other local authority is created by law, where appropriate in place of one or more communities mentioned in this paragraph". (Verpeaux, M. 2024) The case of the mayor, an elected municipal authority but also a representative of the State in the smallest administrative district of the State, must be particularly emphasized and is very significant of the possible overlapping of deconcentration and decentralization. The mayor is the only decentralized authority that is not named: as a decentralized authority, the mayor is responsible for publishing laws and regulations, has powers in electoral matters (maintaining electoral lists, organizing elections), and holds special police powers (advertising, signs, foreign police: visa or accommodation certificate). He is also a civil registrar and judicial police officer. As he is also a decentralized authority, the mayor therefore benefits from a functional duplication. (Boluze, L. 2024)

## **3. AREAS OF COMPETENCE**

It is the law that determines the competences of local authorities, and not the local authorities themselves. They only have administrative competences, which prohibits them from having sovereign competences such as enacting laws

or administering justice. The municipalities deliberate on all issues that concern the municipality, this is the general clause of competences. The other communities (department, region, community with special status, etc.) have competences listed by law. The main competences by community are as follows: a) Municipalities are competent in the Management of nursery and elementary schools; Urban planning, housing, environment b) Departments deal with Social action (childhood, elderly people, disabled people, RSA, etc.); Management of middle schools c) Regions are focused on Economic development; Management of high schools; Non-urban transport; Regional planning; Vocational training; Management of European funds The following question arises: How do they function?: Local authorities are freely administered by a council elected by direct universal suffrage (municipal council, regional council, etc.) and an executive (mayor, president of the regional council, etc.). No local authority may exercise supervision over another. However, when the assistance of several local authorities is necessary, the law may authorize them to organize the modalities of their joint action (e.g. inter-municipal cooperation). Local authorities have their own budget. With financial autonomy, they freely manage their resources (local taxes, state grants) within the limits set by law. They have regulatory power. Local authority: Local authorities appear in the 1946 Constitution and the expression is repeated in the 1958 text. They are also referred to as "local authorities". If the Constitution (art. 34 and title XII) and the general code of local authorities (CGCT) favor the term "local authorities", in everyday language, these two expressions are used in an equivalent manner. (Armand, C., 2019) The concept of free administration is present in two articles of the Constitution: • Article 34 (paragraph 13) provides that: "The law determines the fundamental principles [...] of the free administration of local authorities, their powers and their resources"; • Article 72 (paragraph 3) specifies that "under the conditions provided for by law, these authorities are freely administered by elected councils and have regulatory powers for the exercise of their powers". Free administration is an abstract concept that does not immediately determine what local authorities can do. It is a principle of protection against encroachments by the State, which guarantees an area of freedom in which local authorities can act. It is the law that specifies the content of free administration, under the supervision of the Constitutional Council. The Constitutional Council classifies it among the rights and freedoms that can be invoked in the context of the priority question of constitutionality (decision no. 2010-12 QPC of 2 July 2010, Municipality of Dunkirk). It has censored only relatively few legislative provisions or laws that have disregarded it, only sanctioning "excessive attacks by the legislator" (for example: decision no. 2010-618 DC of 9 December 2010, Law on the reform of local authorities establishing the territorial councillor). For the Council of State, free administration is one of the fundamental freedoms protected by the summary procedure (CE, 18 January 2001, Municipality of Venelles). Free administration is limited to "administrative" powers and excludes sovereign powers (enactment of laws, justice, diplomacy). The actions of local authorities are controlled by the administrative judge. (Roger, P., 2020)

#### **4. WHAT IS A MUNICIPALITY**

The municipality is the most widespread basic community in the territory. It is administered by the mayor and the municipal council. It exercises many powers, mainly in terms of urban planning, housing and social action. Today, the municipality constitutes one of the three main categories of local authorities with the departments and regions. The municipality is the community that acts on the smallest territory. The municipalities have a single administrative organization, regardless of their size. Since the municipal law of 1884, they have been managed by the municipal council and the mayor. The municipal council is elected by direct universal suffrage, the mayor is elected by and from the municipal council. As of January 1, 2024, according to figures from the General Directorate of Local Authorities, France has a total of 34,935 municipalities, including 212 overseas. This figure has been decreasing in recent years due to mergers of municipalities. 97% of the communes have fewer than 10,000 inhabitants and 42 communes have a population greater than 100,000 inhabitants. Commune or municipality? The decree of December 14, 1789 established as municipalities "all the communities of inhabitants" (parishes, villages, towns) that existed at the time of the French Revolution. The term commune replaced that of municipality in 1793. The term "municipality" remains used in everyday language to designate the deliberative body (the municipal council) and the executive body (the mayor) of a commune (or even in a more restricted sense only the executive). The municipalities have general competence to manage any matter of municipal interest, which does not prevent many laws from entrusting them with identified competences in the most varied areas: • urban planning and land management (local urban planning – subject to the competence of public inter-municipal cooperation establishments, or EPCI, and metropolitan areas –, issuing of building permits); • housing; • social assistance, in particular through municipal social action centres (CCAS); • management of elementary and nursery schools; • organisation of childcare for young children (Article L214-1-3 of the Social Action and Families Code); o in all municipalities: inventory of the needs of families and the childcare methods available in their territory, information and support for families; o in municipalities with more than 3,500 inhabitants: development planning and support for

the quality of childcare methods; • culture and heritage; • tourism and sport (campsites, sports facilities, tourist offices). However, the scope of the municipalities' competences tends to decrease in favor of inter-municipalities.

## 5. MANAGEMENT TRAINING

Management training in municipalities, departments and regions is of great importance for attracting and hiring new managers and civil servants in local institutions. The diversity of professions, missions, training, and expected skills cannot be summed up in a single employer brand, at the risk of even complicating the readability of an administration that is already so for potential candidates. A single employer brand for the State or even for the territorial civil service therefore seems neither relevant nor effective. Nevertheless, it is interesting to ask the question of the most appropriate geographical stratum for developing a territorial employer brand: is it the municipality? The inter-municipality? The department? The region? As we will see through concrete examples, the question of the right level of positioning of the employer brand depends essentially on local circumstances, the means and ambitions of each local authority, and can therefore only lead to extremely varied responses. At most, we can note that a multiplication of employer brands within the same restricted territory could be counterproductive: instead of strengthening attractiveness, it would be likely to sow confusion in the minds of potential candidates. Finally, given the diversity of situations, the Cercle de la Réforme de l'État is sounding the alarm. It underlines that the use of employer branding "favors already strong administrations, without being adapted to the lack of attractiveness of the services that have the most acute problems". In other words, as an innovative strategy requiring certain resources (human and financial), employer branding can contribute not to reducing certain gaps between local authorities, but to widening them. Based on the principle of free administration of local authorities, the choice of conducting an employer branding strategy cannot of course be restricted, but one must be aware of its potential consequences on the local public administrative ecosystem and on the differences in attractiveness between local authorities.

4. Consider both recruitment and candidate retention According to the ConvictionsRH firm, employer branding has three dimensions: what happens to attract a candidate, what happens during the recruitment process and what happens when welcoming the recruit. It also intervenes at all stages of the employee's professional life: at the time of recruitment, during their career within the local authority and even when they leave.

a) Candidate experience First of all, the employer brand must allow the local authority to make itself better known and recruit the talents best suited to its needs: this is what we can call the candidate experience. It can be organized to arouse the curiosity and interest of potential candidates for the local authority as an employer. These candidates must then be able to easily find a place to find all the information they need on the variety of professions and opportunities in the local authority in question, by using a dedicated website for example. However, the employer brand is not only a communication strategy, it must above all allow the local authority to recruit suitable professionals and experts according to its needs. It is therefore important to identify in advance the professional expertise that is necessary for the local authority, in order to better guide the construction of the employer brand. In return, the candidate's goals are to have access to opportunities, understand the community's expectations, be able to easily get an idea of the community's organization and its missions, and finally quickly identify the advantages of applying to it rather than elsewhere. Once the candidate has applied, the recruitment processes must be communicated to him in a clear and precise manner. Certain content can be made available to him so that he can better understand the employer's expectations, such as interview guides or a connection with a former candidate. During the recruitment process, it is important that the candidate finds the elements highlighted in the employer brand, on which recruiters can insist. Even if the candidate is not selected, it is interesting to collect his testimony on the following points: how did he find out about the job offer? Did a communication campaign carried out as part of the employer brand encourage him to find out about the community? Were the materials made available to him both before his application and throughout the recruitment process sufficient?

## 6. CONCLUSION

Originally created as administrative districts, the regions were transformed into local authorities during the "Act I of decentralization". Each region is administered by a president, an elected assembly and a consultative body. The powers of the region contribute to the economic development and sustainable planning of the territory. Each region is administered by: • the regional council; • the president of the regional council (the executive); • the regional economic, social and environmental council (non-elected body, with consultative powers). The region became a territorial authority (in the same way as the municipalities and departments) by the law of March 2, 1982. As provided for in this law, the regions effectively became territorial authorities at the first meeting of the regional councils elected by universal suffrage following the first regional elections organized in March 1986. The content of the region's attributions was broadened following the adoption of the law on the new territorial organization of the Republic (NOTRe law) of August 7, 2015, which removed the general competence clause for this authority. Before

the NOTRe law, the region's responsibilities were mainly focused on development and regional planning, vocational training, management of high schools and management of transport outside urban areas. (Koh, S. Y./ Sin, I. I., 2020) Article L4221-1 of the General Code of Local Authorities (amended by the NOTRe law) states: "[The regional council] has the authority to promote the economic, social, health, cultural and scientific development of the region, support for access to housing and improvement of housing, support for urban policy and urban renovation and support for education policies and the development and equality of its territories, as well as to ensure the preservation of its identity and the promotion of regional languages, while respecting the integrity, autonomy and attributions of the departments and municipalities". The law clearly makes the region the level of economic development and entrusts it with the responsibility for sustainable regional development. In this context, the training of executives and civil servants is very important for two reasons: retaining executives who are largely poorly paid and opening up certain new dimensions and attracting new and young executives to work in local institutions.

## REFERENCES

- Armand, C. (2019). « Grand débat : vers un big bang de l'organisation de l'État dans les territoires », La Tribune, 18 janvier 2019
- Baron, F., Delamarre, M. (2025), **Les institutions de la France**, Éditeur : La Documentation française,
- Bernard, G., Deschodt, J.P., Verpeaux, M. (2011)., *Dictionnaire de la politique et de l'administration*, Paris, PUF, 2011.
- Boluzé, L. (2024), Collectivité territoriale : définition, rôle et compétences, Qu'est-ce qu'une collectivité territoriale en France ? 26/07/2024, <https://www.capital.fr/economie-politique/collectivite-territoriale-definition-role-et-competences-1500284>
- de Saint-Sernin, J. (2022)« La Collectivité européenne d'Alsace : une collectivité sui generis ? », sur [revuepouvoirslocaux.fr](http://revuepouvoirslocaux.fr),
- Donier, V. (2014) *Droit des collectivités territoriales*, Paris, Dalloz, avril 2014, 190 p. (ISBN 978-2-247-10592-2)
- Juestz de Mire, M. (2024) « Remise du rapport de Boris Ravignon sur le coût du millefeuille administratif, Presse - Ministère des Finances, 29 mai 2024
- Kamel, W. (2010) « La nouvelle organisation de l'État en région », *Revue française d'administration publique*, 03/2010, n° 136. - p. 1011-1022.
- Koh, S. Y., Sin, I. I. (2020), Academic and Teacher Expatriates: Mobilities, Positionalities and Subjectivities, *Geography Compass*, vol. 14, n. 5, p e12487
- Roger, P. (2020) « La Collectivité européenne d'Alsace, « plus un département, pas encore une région » », sur [lemonde.fr](http://lemonde.fr), 30 décembre 2020
- Verpeaux, M, Rimbault, C. (2024) *Les collectivités territoriales et la décentralisation* : La Documentation française , Éditeur : La Documentation française
- Verpeaux, M. (2024), *Les collectivités territoriales*, Editeur : Dalloz, Collection : Connaissance du droit, 7<sup>e</sup> édition EAN : 9782247231645, 210 page
- Fages, C., « L'ambiguïté demeure sur le statut de Mayotte pour la communauté internationale », sur [rfi.fr](http://rfi.fr), 28 avril 2023