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The Development of Metropolitan Area in France, between Intermunicipal Reform and an Impeded Regionalisation

Jérôme DUBOIS

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Abstract – This article studies the recent acceleration of the French politics of association of local authorities by the creation of a new level of cooperation, the metropolis. Intended to assure a better competitiveness of the French urban areas, big metropolises are the fruit of political agreements negotiated between the municipalities and the State. Metropolises assure a distribution of the competencies by convention between the various levels of territorial powers.

Keywords – Metropolises; Inter-communality; Urban powers; Territorial policies.

New urban developments, regarding their size and their powers negotiated with other local authorities, metropolis are critical to ensure a better competitiveness of French large urban spaces,¹ Generally well accepted, this policy gave rise to concerns in major cities like Paris, Marseille and even Lyon. Resistances have justified as an exception a

1 Jérôme DUBOIS, “Les métropoles, nouvel objet politique français”, in Marie-Flore MATTEI and Denise PUMAIN (dir.), *Données Urbaines*, Economica, 2015, Vol. 7, p. 11-17; David LE BRAS, Natacha SEIGNEURET and Magali TALANDIER (dir.), *Métropoles en chantiers*, Berger-Levrault, 2016, 281 p.

mechanism of co-construction of the territorial project by the state and local government representatives.

Given the extent of these territories, the demographic and economic disparities between municipalities and the superposition of local authorities strongly established, an intermediate step has proved necessary. These areas demonstrates the grand return of the strategic state.

Imposed by government, the three major French metropolis are for the moment institutionnaly under construction. No one can say with certainty that become that they will be able to produce ambitious territorial policies or to implement genuine solidarity mechanisms between the cities which comprise them.

By developing four ideas, this contribution come back to the recent acceleration of inter-municipal policies in France and to the invention of metropolis, new urban complexes to federate a large number of municipalities. It analyzes the construction of political agreements between the municipalities and the state and the transition to a division of powers by convention between the different territorial levels. It demonstrates that the invention of metropolis between 2010 and today follows on thequestions issued in 1999 at the birth of French inter-municipalities:

- the first idea is about the construction of collective projects and forms of arbitrage between the member municipalities, ie the ability of these new sets to distant themselves from the requirements and selfishness of component parts to become autonomous actors;
- the second analyzes the implementation of financial solidarity mechanisms between the municipalities members through genuine equalization of local taxation revenue, a taboo subject in France despite numerous criticisms about the inability of inter-communities from narrowing significantly the gaps of income and wealth within them;
- the third examines the deployment of localized political agreements within these new sets. The law provided that, given their size, these cities can give up some of their powers to territorial councils, political constructions of a new type interspersed between the municipalities and the metropolis, usually based on the ancient intermunicipal borders;
- the last, finally, thinks about the consequences of a change in philosophy in the transfer of powers to this new urban complexes, which now can be negotiated locally and be done by conventional means. The era of the metropolis exemplifies a new jump in the recognition in France of local interests negotiated.²

² Daniel BEHAR, “Paris, Lyon, Marseille : la gouvernance métropolitaine entre standardisation et différenciation”, *Métropolitiques*, 22 septembre 2014. URL: <http://www.metropolitiques.eu/>

These research topics are probably not specific to the French territory. As a groundswell movement, the birth of metropolises as territories with an autonomous capacity for action provides a fertile field of research for international comparisons.

I. BUILDING COLLECTIVE PROJECTS: THE CHALLENGES OF INTERMUNICIPALITY ARE WELL-KNOWN

A. Construction of intermunicipal authorities: when France is catching up

In France as elsewhere redeployment of households and activities to the periphery of cities has generated the formation of urban spaces largely expanding beyond the boundaries of local authorities. Faced with this growing mismatch, some countries have operated at a large scale a fusion of municipalities. In Belgium, the 1975 reform has reduced their number from 2,359 to 596. In Germany, successive laws from 1968 to 1970 brought them back from 14,338 to 8,414. Sweden, Denmark, the Netherlands or Greece have done the same. Some states have also implemented a new tier of local governments, as in Germany, which created in 1994 the Verband Region Stuttgart,³ or in Britain with the Greater London since 2000.⁴

France, meanwhile, has long been reluctant to any ambitious reform of its communal network. The law of 12 July 1999 on the strengthening and simplifying of intermunicipal cooperation, however, upset a legendary institutional inertia.

The law No. 99-386 of 12 July 1999 on the strengthening and simplifying of intermunicipal cooperation, called the Chevènement law has greatly simplified the regime of intermunicipality. Depending on population thresholds, this law creates three forms of “Etablissement Public de Coopération Intercommunale” (EPCI), public bodies for intermunicipal cooperation.: the “communauté de communes” or community of communes (without obligation of a minimum size), the “communauté

Paris-Lyon-Marseille-la.html; Marie-Pierre LEFEUVRE, *Faire métropole, de nouvelles règles du jeu ?*, Éditions Le Moniteur, coll. “Popsu”, 2015.

³ Arthur BENZ and Albrecht FRENZEL, “Les politiques institutionnelles dans un État fédéral : la création du ‘verband région Stuttgart’”, in Bernard JOUVE and Christian LEFEVRE (dir.), *Villes, métropoles : les nouveaux territoires du politique*, Anthropos, 1999, p. 223-249.

⁴ Bernard JOUVE AND Christian LEFEVRE, *Métropoles ingouvernables : les villes européennes entre globalisation et décentralisation*, Elsevier, 2002, 203 p.

d'agglomération" (over 50,000) and the "communauté urbaine" (more than 500,000 inhabitants). The law provided an increasing degree of integration for these EPCI, even if reality has shown that the freedom given to local elected officials to organize themselves often came to contradict this principle.

For 16 years, all political factions have been sharing the willing of strengthening the intermunicipal policies. This modern intermunicipal plan elaborated by a left-wing government on the basis of a voluntary adhesion of commons, was made compulsory 11 years later by a right-wing government, by the law of 16 February 2010 which forced all French commons to belong to an EPCI. It was not a merging of municipalities, nor the foundation of a new tier of local governments. But these federations are now forming a network over the entire national territory.

B. A growing acceleration and change of method: end of the voluntary initiative and change of scale

In quantitative terms, the results seem positive: since 2013 France all municipalities belong to an EPCI. It is more the relevance of the perimeters of these sets of commons, often issued from alliances of convenience, that is now a major concern.

To streamline these inter-community divisions, a first law of 16 December 2010, the Communities' reform law, strengthens the enforcement powers of the prefects to make disappear isolated municipalities in 2013 and allow them to renegotiate existing divisions. To this end, the act provides that the prefects can take the initiative through the development of a SDCI.⁵ The draft plan is submitted by the prefect to the municipalities, EPCI and intermunicipal syndicales, which would have to decide within 3 months. The proposed scheme and their opinions are then transmitted to a joint departmental committee bringing together government departments and local officials, the CDCI,⁶ which has four months to modify it (at the two-thirds majority of its members). The scheme is decided by the prefect and published. It is updated every 6 years. Any creation of an EPCI must be compatible with the SDCI.

After the adoption of the scheme, the Prefect can initiate by order any project of establishment, modification or fusion of municipalities and

- 5 Schéma départemental de coopération intercommunale or Departmental plan of intermunicipal cooperation, document proposed by the **prefet**, representing the government, after consultation of the local elected representatives.
- 6 Commission départementale de coopération intercommunale or Departmental committee for intermunicipal, cooperation consisted at the same time of representatives of the services of the State and local elected representatives.

prefect ?

intermunicipalities unions in order to implement it. He may even decide to move away from decisions of the CDCI. The prefectural order needs the agreement of half the municipal councils of the municipalities concerned. Without this agreement and until 30 June 2013, the prefect has certain powers: he can create, change or merge communities or intermunicipalities unions with a reasoned decision, after having consulted the CDCI, going beyond the will of communities.

The law of 2010 also offers to municipalities three new forms of grouping, but still on a voluntary basis: metropolises (“métropoles”), metropolitan centers (“pôles métropolitains”) and new municipalities (“communes nouvelles”). This was to encourage local officials to go further, in terms of geography and in terms of transfers of competence, than the three regimes established in 1999. One can note that these three new forms of cooperation are superimposed on those existing without making them disappear:

- metropolises include several municipalities grouping 500,000 inhabitants, in order to develop and lead a development project, from an economic, ecological, educational, cultural and social point of view, and to improve the competitiveness and cohesion of the territory. The metropolis can benefit from transfer of competences from department, region, and even, on an exceptional basis, from the state;
- the metropolitan center comprises EPCI with their own-source tax revenues, grouping more than 300,000 inhabitants with one of them representing over 150,000 people (50,000 people in frontier areas). Territorial continuity between the EPCI is not required. They are less integrated than the metropolis;
- the new municipality can be set up instead of contiguous municipalities, at the request of municipal councils, an EPCI or the prefect.

The 2010 Act therefore provides the basis for new forms of intermunicipality, both more integrated and wider, but with the principles of the 1999 Act, that is to say respecting the freedom of municipalities. This explains that only one metropolis, that of Nice, has been created as a result of this law on January 1, 2012, the other French municipalities having refused to change their status.

In this context, the law on the modernization of territorial public action and affirmation of the metropolises, called **Mapam** law, of 27 January 2014 has further strengthened inter-cooperation tools. The most reviewed provisions of the law are about the metropolis, that become a legislative creation, marking a clear break with the policy of voluntary grouping inaugurated in 1992 by the ATR law and generalized in 1999 by the Chevènement Act. This is now the law that determine the composition of municipalities, including

en majuscules ?
MAPAM ? idem
 dans tout
 l'article

mandatorily the municipalities in a territorial unit which they have not negotiated the outlines.

C. Foster the birth of powerful urban authorities

The French initiatives to create large urban areas are far from being an isolated phenomenon. Across the planet most states now favor the birth of urban power capable of being inserted in global flows, be they economic, cultural or intellectual. The metropolitan phenomenon, this concentration of people and activities in a context of increased competition between cities, has undergone numerous institutional innovations. Many countries observe their urban framework by comparing the relative size of their cities and regional concentrations seen as the guarantee of a better integration into the world economy. This search for an improved competitiveness of large cities face their European and international counterparts is not unique to France. The last 20 years show an acceleration of this phenomenon all over the world. France is no exception. The 'Grand Paris' is regularly compared to the Great London and Marseille to its mediterranean rivals Genoa and Barcelona. In this race to attract people and capital, the establishment of integrated urban authorities able to drive large development projects appears to be a shared recipe.

In the case of France, in addition to these considerations, more specific debates such as the simplification of the number of administrative-territorial levels or the will to impose a rationalization of inter-municipal board in the assumed aim of reducing public expenditures. A final argument, that of territorial solidarity, can be advanced. Faced with a penniless state struggling to provide traditional policy of national solidarity between the territories it is now up to the richest cities to help the poorest directly.

To these basic movements, come in addition the reflections on the spatial planning and the need to overcome municipal boundaries cracking in all parts because of the evolution of social practices, transport demand for commuting or of the need to think ecological continuity. In Europe, such reflections are not so recent. L. Albrechts, P. Healy and KR Kunzmann in 2003⁷ had analyzed the causes of the change of scale in planning; they particularly emphasized how the European Union relied its Structural Funds and cohesion policy on the competitiveness of urban areas, forcing states to think differently their planning policies. In economics and geography some books by now classics also call at this period to change perceptions, among

7 Louis ALBRECHTS, Pasty HEALEY and Klaus R. KUNZMANN, "Strategic Spatial Planning and Regional Governance in Europe", *Journal of the American Planning Association*, 69 (2), 2003, p. 113-129.

them *Global City* of S. Sassen⁸ in 1991, *Global City-Regions* of A. J. Scott *et al.* in 2001⁹, *Métapolis* of F. Ascher¹⁰ in 2009.

Faced with reflections on the birth of large metropolises, the French institutional developments yet remained quite chilly, despite the pioneering work of P. Velz on the archipelago economy.¹¹ Both the intermunicipality of Chevènement laws that the Territorial Coherence Schemes (Scot)¹² coming from the Solidarity and Urban Renewal Act of 2000, at the foundation of the current regime, were not designed for such large urban areas. The experiments and multiple arrangements related to the *interscot*, when having been ambitious, remind us of the fragility of such approaches.

Ultimately, the debate on the metropolis illustrates a tension between two scales, that of the urban project led by the city-actor put forward for nearly 30 years and that of the strategic planning at the level of large urban areas, the latter remaining totally to be invented in France. So far France managed to create strong urban authorities, but no metropolitan powers. The current jump is even more violent. It is now the law that determine the composition of metropolises by listing the municipalities members, removing the sacrosanct freedom of municipalities yet mentioned by the French constitution.

II. BUILDING LOCALIZED POLITICAL AGREEMENTS

A. Do not over-invest the change in method

From a textual point of view, there is a shift from a strategy to support the establishment of local agreements to a mandatory obligation, but on the ground the reality is more nuanced.

Between 1999 and 2011, the implementation of intermunicipalities has been based on local contexts. By successive steps, municipal representatives have been for over a decade expected to group themselves by voluntary agreements. The concern was then not to destabilize local political situations. For 2014, through the promotion of metropolises, the state has tried to organize the game of local authorities providing integrated joint working

⁸ Saskia SASSEN, *The Global City, New York, London, Tokyo*, Princeton University Press, 1991, 480 p.

⁹ Allen J. SCOTT (dir), *Global City-Regions: Trends, Theory, Policy*, Oxford University Press, 2001.

¹⁰ François ASCHER, *Métapolis ou l'avenir des villes*, Odile Jacob, 2009.

¹¹ Pierre VELTZ, *Mondialisation, villes et territoires. L'économie d'archipel*, PUF, coll. "Économie en liberté", 1996, 264 p.

¹² Elaborate by the EPCI the Scot is imperative in the regular manner upon the municipalities. It suffers nevertheless even problem of reduced size and sometimes little coherent limits.

systems. It plays here a classical score in the continuity of the first laws on intermunicipality.

MAPAM ?

Yet the **Mapam** Act goes a step further. First, because the lawmaker decides in its text on the composition of future EPCI, breaking from 15 years of a practice based only on the local voluntarism. In most cases, this was not a problem, many territories having already organized themselves into powerful intermunicipalities around the city center. Spirits being ready, the law comes to formalize these EPCI, sometimes by rectifying marginally their borders, around Brest, Montpellier, Bordeaux, Lille... or Nancy, the youngest. Everywhere existing urban communities were able to access to the metropolitan status, when justifying of more than 400,000 inhabitants in an urban area of more than 650,000 inhabitants. Under the decree of 22 April 2016, Nancy became the 15th French metropolis on July 1, 2016, after Nice (2012), Lyon, Bordeaux, Brest, Grenoble, Lille, Montpellier, Nantes, Rennes, Rouen, Strasbourg, Toulouse (1st January 2015), and the metropolises of Grand Paris and Aix-Marseille-Provence (1st January 2016).

The paradox is interesting. Around major provincial cities, the birth of metropolis follows a dependency path making that skills as well as territories are changing at the margin, urban communities borned in the 2000s easily transforming themselves into new cities. While metropolises are calling for thinking large urban ensembles, they are currently a success in the urban areas of intermediate size.

The cases of Paris, Lyon and Marseille are indeed different. In the three largest cities of France, the state has to make some concessions to encourage local political acceptance of metropolises. Given local resistances, the state took the risk to appoint a preparatory mission led by senior civil servants to assist local authorities in the construction of the intermunicipal project.

In both cases of Paris and Marseilles, it is the state that took the pen to elaborate the preliminary diagnosis, prepare the main lines of the metropolitan project, reflect on the major areas of the future EPCI, develop budget and financial conditions of future transfers of competences, propose a political way of functioning... and try to overcome local resistance:

- in the case of the Grand Paris, the law provides for the creation by decree of a preparatory mission from 2014 to 2016, composed of a college of elected representatives (the mayors of 123 municipalities, the mayor of Paris, the chairman of general councils, the chairman of the regional council and the chairmen of EPCI of the first ring, two deputies and two senators) and a college of socio-economic stakeholders. The mission was co-chaired by the regional prefect and the president of the local representatives union of Paris Métropole and led by the prefect;

- in Marseille also the decree establishing an interministerial mission for the metropolitan project Aix-Marseille Provence was published in the Official Journal of 16 May 2014. Led by Laurent They, prefect delegated to the metropolitan project, and under the authority of the Regional prefect, this preparatory mission metropolitan was composed of fifteen technicians (economists, planners, lawyers...) and backed by a board of representatives and a board of partners. The Council of representatives brought together the chairmen of the six concerned intermunicipalities, a mayor by intermunicipality inter Mayor, the Mayor of Marseille, the chairman of the regional council and the chairman of the general council. A territorial Joint Council more open to all local authorities has recently been added to these two instances.

These two prefiguring missions aimed to organize in Paris and Aix-Marseille a large urban consultation to request from international teams of urban designers their vision for these large territories. Again the method is relatively original in a country like France, where the communal level has long been the center of reflections. The state pilots then the institutional mechanism framing the collective work, but does not feel legitimate to define itself the project of territory. This task was devoted to three international multidisciplinary teams in charge of drawing a unique strategic vision for this great land that could be immediately appropriated by local representatives in a context of rapid reconfiguration of local authorities.

Legally, the approach chosen was that of a *marché de définition* avoiding competition between the three teams, since no project management was given at the end of the consultation. On the contrary, the procedure provided a simultaneous *marché de définition* based on a permanent dialogue between the teams, the region, and the local actors. Only the final phase, following a common diagnosis, called for a “closed” work of teams.

B. Major French metropolises will be... weak metropolises

The law is paradoxical. If it gives a particular metropolitan status to three French cities, it is to greatly reduce the competences in the case of the Grand Paris and Aix-Marseille-Provence. The reading of parliamentary debates shows lively discussions between the Assembly, in favor of competences close to those of ordinary metropolises for these two cities, and the Senate, much more minimalist given large local opposition. The act ultimately reflects the will of the Senate not to scare even more local representatives of the territories concerned. The case of Lyon is singular because the law shows, on

the contrary, the existence of a strong local consensus on the need to further strengthen the urban community.

The *Grand Paris* will have mandatory powers only for the development of the community space, local housing and urban policy, the economic, social and cultural development and the protection and enhancement of the environment. Given their vagueness, these wide competences will most require a precise definition of the Community interest, with the risk of a *a minima* definition. Regarding other competences, there will be a transitional period during which the councils of territories will exercise the competences now exercised by various EPCI. The law also provides opportunities for the surrender of certain competences of the metropolis to the municipalities. If the law has created only one EPCI across Paris and the three departments of the inner suburbs – allowing neighboring cities to apply for membership – the rationalization is window dressing since the law formalizes three tiers of government – municipalities, councils of territory and Grand Paris EPCI – who will have to learn how to cope.

The case of the Provencal metropolis is quite similar. The merger of six intermunicipalities around Marseille is in fact nuanced by the creation of territorial councils on the perimeter of the former EPCI. If, by law, the Marseille metropolis is entrusted with the powers of ordinary municipalities, the reality could be different given the opportunity offered to surrender some of them. The territorial councils must be consulted by the metropolis council on each decision affecting them, they can make vows and will have the right to put questions concerning the agenda of the metropolis council of the day. As for the Grand Paris they will be delegated by the mother the exercise of certain powers. If there will formally be only one EPCI on 1st January 2016, the Provence region is preparing also to experience a whole new management at three levels of the communal block.

The case of the metropolis of Lyon is more original. Given the existing local political consensus, the Parliament went much further. On the perimeter of the former urban community, the new one will merge the competences of both the intermunicipality and the Rhône department. The law requires this new EPCI “*to improve competitiveness and solidarity*” in this new territory and gives it in particular all competences regarding the insertion and protection of fragile populations, a competence previously devoted to the council. As for ordinary metropolis, the Lyon metropolis may also negotiate by convention new powers with the region and the state. Does it then mean that the metropolis of Lyon is a successful example of integration? Not really in territorial terms since the law comes here to take into account a previous strong local consensus between the former municipalities of the urban community, at the risk of forgetting a large part of the peripheral territories. If the Grand Lyon became the most integrated intermunicipality of France, it

is at the cost of a limited breakdown. As summarized by D. Behar, P. Stephen and M. Vanier “*le maire de Lyon et président de la communauté urbaine a préféré renoncer à toute perspective d’alliance élargie aux marges de la nouvelle métropole, en la soustrayant du cadre départemental englobant (qui inclut la plateforme aéroportuaire de Lyon Saint-Exupéry), pour mieux renforcer sa liberté d’action interne: une métropole de niveau de compétences ans équivalent en France, mais dans un périmètre étroit et quasi inchangé depuis la création en 1969 de la Courly*”.¹³

III. WHAT LEGITIMACY FOR THESE LARGE URBAN AREAS? AN UPSET REPRESENTATIVENESS

The outcry from the 2014 **Mapam** Act in major French cities is also linked to a logical change in the representativeness of the city center within the intercommunal grouping.

MAPAM ?

A. From a local power-sharing...

In 1999, the law had given some flexibility to local representatives in the composition of the community council, a body of political decision. They could freely decide on the representativeness of each municipality, taking into account a double constraint: every municipality shall have at least one vote and no municipality has an absolute majority of seats. Under these conditions, the local political agreements could help to reassure the common devices by to allowing them in the Assembly a political weight higher than their demographic weight. It resulted in the bursting of the intermunicipal political representation at the expense of central municipalities, whose the political weight did not correspond to the demographic one.

This is illustrated by the arbitration in the allocation of seats in the former urban community Marseille Provence Métropole. Practice shows in fact a dual system of sharing positions among municipalities, whether they have 800 000 or 4000 inhabitants, and between representatives from right and left, again representative of the entire territory, not just of the city center. This dual mechanism leads to a flattening of the political weight of the city center. During the 2008-2014 period, on 33 vice-presidents granted to the

13 Daniel BEHAR, Philippe ESTEVE and Martin VANIER, “Réforme territoriale, avis de décès de l’inter territorialité ?”, *Métropolitiques*, 2014, p. 4, on line: www.metropolitiques.eu/Réforme-territoriale-avis-de-deces.html.

urban community, Marseille has only five, while it represented more than 70% of the population of the community. A number of functions among the most strategic for the future of the whole metropolitan area was then granted to some mayors of very small peripheral municipalities.

B. ... to the constitution of assemblies defined by law

MAPAM ?

The **Mapam** Act came to end these practices by putting major cities in the center of the metropolitan powers. This is now the law that sets the representativeness of each of the municipalities under very different conditions. It helps to understand some violent oppositions to these new urban complexes, most of the mayors of the municipalities of intermediate size having the feeling of losing the control of these new assemblies.

For the Provençal city, the law ‘Notre’ adopted on July 9, 2015 favours the city of Marseille in the distribution of the 240 seats of the Metropolitan Council compared to the former urban community. Marseille now has 108 representatives (44% of seats) at the expense of smaller municipalities. Consequently intermediate sized municipalities see their number of seats hardly declining in the new assembly. Municipalities over than 20,000 inhabitants as Pertuis, Gardanne, Les Pennes-Mirabeau have a single representative, as well as small villages such as Saint-Antonin-sur-Bayon, at the foot of the Sainte-Victoire (130 inhabitants).

IV. COMPETENCES ‘À LA CARTE’

The sharing of powers by agreement was privileged between these territorial political levels, at the risk of a multiplication of small arrangements of circumstances.

A. Competences negotiated for new urban complexes

Under the law of 2014, the city has a general responsibility to propose “*a project of planning and economic, ecological, educational, cultural and social development of their territory in order to improve the cohesion and competitiveness and to contribute to the sustainable and in solidarity development of the region*” (art. 43).

In order to achieve this, metropolises lean back on the regime of the mandatory competences of the urban communities that they often replace.

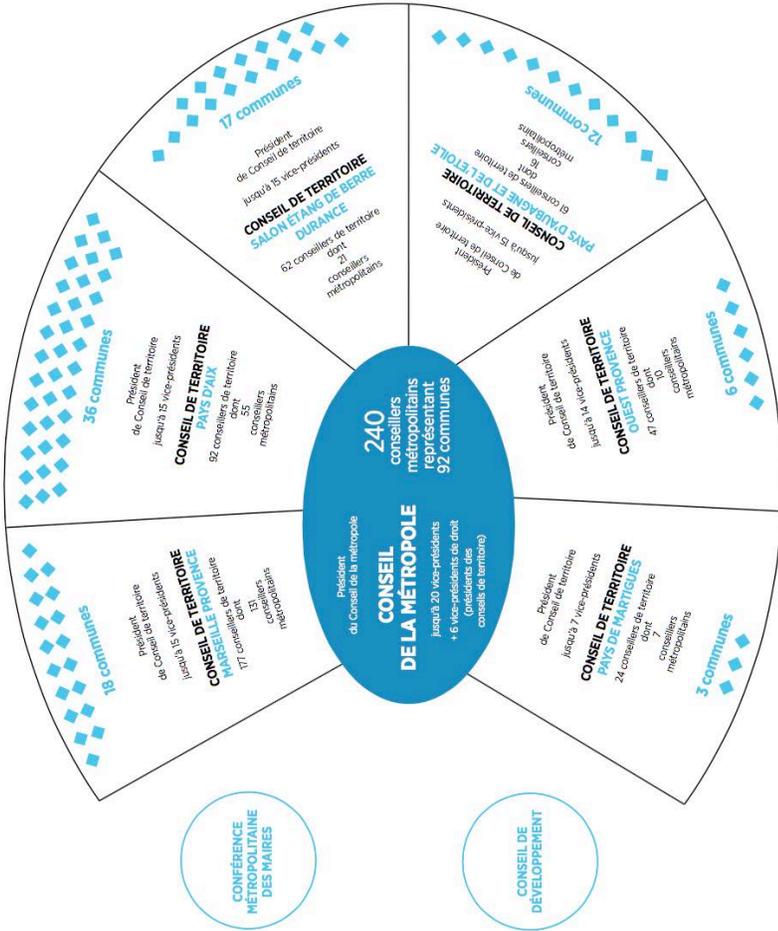


Fig. No. 1. The institutional organization on three levels of the Provençal metropolis
 (Source : Laurent THERY, *La métropole par le projet. Aix Marseille Provence*, Éd. Parenthèses, 2016, p. 45)

Planning, mobilities, sewer... and many technical skills therefore remain on the agenda. The few innovations belong almost exclusively to the environmental field and the economy.

The novelty is not so much in the evolution of the relations within the couple municipality/EPCI; rather it concerns the relationship between the new metropolis and territorial authorities of higher rank and the state. The text provides in particular for the compulsory transfer to the metropolis of the departmental roads if no agreement with the department before 1st January 2017. But on a conventional basis, new metropolises could go further. They could get the management of the granting of support for housing, social action, insertion or troubled youth in particular, powers hitherto exercised by the departments. Similarly, the law provides the opportunity for the region to transfer to the metropolis the construction and maintenance of high schools and the economic development. Finally, the state also may transfer some of its powers to the new EPCI particularly on aid for social rental housing, housing aid and right to housing. More interesting, a metropolis can obtain, at its request, the ownership, development, maintenance and management of major equipment and facilities previously operated by the state.

B. The future of departments and regions left in limbo

On behalf of an institutional and technical rationality to stick to the reality of territories, latest French laws therefore establish a vast mechanic of bargaining of powers between all levels of territorial actions.

The metropolitan issue frontally crashes into that of the future of the 200-year old French departments:

- in the Departments housing a metropolis, as Lyon for example, the merger of the two structures may be decided;
- when the department has strong intercommunalities, the departmental competences may be assumed by an intermunicipal federation;
- finally, in the departments – especially rural – where communities of municipalities do not reach the critical mass, the departmental council will be maintained, with clarified competencies.

One would like to say that the recently reformed regions are strengthened by their passage from 22 to 13, but beyond the official statement the reality remains nuanced. The law does not truly give new powers to the regions, it comes rather recall their role in major policy documents without really strengthening their competencies in implementation:

- regarding their economic development, regions remain responsible for the elaboration of a regional plan for economic development, innovation and internationalization, support for real estate

investment and business innovation. This scheme also defines the main directions regarding the attractiveness of regional territory and the development of an economy in solidarity. The region is exclusively empowered to define the aid and general aid schemes (grants, loans, repayable advances...) for the creation or expansion of economic activities or firms in difficulty. It also animates the competitiveness clusters;

- regions manage the European funds since 2014 under the law on the modernization of territorial public action and affirmation of metropolises. They will now have the duty to select and co-produce with other communities territorial projects;
- concerning land use planning of the territory and the environment, by elaborating a regional plan on land use planning, sustainable development and territorial equality, the region must determine the objectives in terms of territorial equality and territorial balance, implementation of the various infrastructures of regional interest, integration of rural areas, housing, efficient management of space and multimodality of transport development. The objectives of control and valorization of energy, the fight against climate change, the fight against air pollution and the protection of biodiversity shall also be taken into account. The Region is also in charge of developing the regional plan for prevention and management of waste;
- regions will still manage all local trains policies and inter-urban transport, and also roads. Those are complementary policies whose effectiveness will be enhanced if they are assigned to a single community. Regarding school transport, the competence of departments will be transferred from September 1, 2017. Delegations of competence are nevertheless possible. Bus stations will be transferred from the Department to the Region on 1st January 2017 (except for Ile-de-France and city of Lyon). With regard to aerodromes, the transfer is automatic, when an interested local authority or a group of interested local authorities is making the request. Regarding ports, 272 ports whose the port authority is the department are involved in the transfer, which must be effective no later than 1st January 2017.

One shall note that some of their powers are shared with the departments in the fields of tourism (the Region has been given the lead for tourism), culture, sports, promotion of regional languages, popular education and in the fighting against digital divide and digital development.

C. The proliferation of local arrangements

With the metropolises, France made an additional jump to a negotiation in all directions of the competences of each level:

- a) negotiation with the state which may delegate by agreement for a renewable period of 6 years to the metropolis aid management to housing, ensuring the right to adequate housing, management of social monitoring...;
- b) negotiation with the Region by agreement regarding the construction and maintenance of high schools, and all or part of the regional powers in economic development;
- c) the powers transferred or delegated by the department: the NOTRe Act has profoundly changed the conditions of transfer or delegation of authority from the department to the metropolis. This negotiation involves:
 - six groups of competences in the social field,
 - a group comprising tourism, cultural and sport equipment competences,
 - the competence building and management of colleges,
 - the departmental roads competence (which is dealt with separately).

An agreement between the department council and the metropolis must address the transfer or delegation of three of the eight first competence groups in whole or part, before 1st January 2017. Without such an agreement, the first seven (ie: except colleges) are transferred automatically to the city.

Moreover, without an agreement on the transfer of departmental roads, they are automatically transferred to the metropolis on 1st January 2017. However, an agreement may end up with an exercise of that competence by the department, consistent with the policies implemented by the metropolis.

Regardless of these transfers, the creation of the metropolis will result in the automatic transfer no later than 1st January 2017, with financial agreement, of non-urban transport lines fully included in its scope.

- d) finally, these tailor-made transfers operate within the metropolis, between it and the municipalities that compose it. Again the endless possibilities left by the law and the leeway resulting for local representatives, could hold some surprises. Once again, the example of the metropolis of Aix-Marseille, the French second urban whole, is very instructive. Given the disparities in the level of integration of 6 EPCI that make up the new metropolis and the extent of the merger of 93 municipalities, the NOTRe Act gives two years before new competences transfers between municipalities and the metropolis. Thus, until 1st January 2018, all mandatory skills of the metropolis

who was exercised at 31 December 2015 by the municipalities will continue to be exercised... by the municipalities.

In sum, highlighting the difficulty of the arbitrations to come for non-specialists:

- on 1st January 2016, the metropolis exercise the powers on each territory at the level of integration of the existing EPCI, without new transfers from municipalities;
- between 1st January 2016 and 31 December 2017, the mandatory competences of the metropolis exercised by municipalities on 31 December 2015 continue to be exercised by municipalities;
- between 1st January 2016 and 31 December 2019, all delegable powers of the metropolis council are delegated to the territory council, if no opposition from the metropolis council by a majority of 2/3 (exception: planning operations of metropolitan interest are not delegated automatically, but may be so from 1st January 2016, by a simple majority of the metropolis council);
- on 1st January 2017 an agreement on the transfer or delegation of departmental competence on intercity transport lines included in the scope of the metropolis;
- on 1st January 2018 the transfer of municipal powers of the metropolis of Aix-Marseille-Provence will be done; the metropolis will exercise all of its mandatory powers;
- on 1st January 2020, the automatic delegation of powers to the territory councils will end; they will flow to the metropolis council. But the metropolis council will be free to re-delegate some by a vote of a simple majority from 2021.

We see, in order to allay the fears of local elected officials face these new urban complexes, the law-maker took care to provide substantial margins of negotiation for the effective sharing of the power of decision. These debates behind closed doors offer a particularly fertile playground for the sociologist of local power, but the risk is that they blunt further the interests of citizens in local affairs.

CONCLUSION

These upheavals of the French intermunicipality fits into the long-term history of post-decentralization, as we have seen. But they correspond also to a wider reappraisal of the territorial administration of the French Republic

in the context of a public financial crisis. One would not understand these changes without looking at what is happening with departments and regions. Without ever explicitly said this, the successive governments have entered into the rationale of three blocks each consisting of 2 levels:

- a Europe / state block;
- a Region / department block;
- an intercommunity / municipality block.

These three blocks of six levels satisfy no one in France because they do not lead to the simplification of the territorial system. Given the observable resistance, the task is to delete – without saying – a level by block to come to 3 levels. In the absence of national political choices clearly stated, the researcher can, however, identify several underlying trends that are gradually shaping the future.

- The first is the inability of the state to slash its budget deficit. It continues to place pressure on local authorities by transferring new competences and always decreasing its financial transfers. It results in a contraction of the ability to act of certain local authorities as they find themselves in turn strangled financially. This phenomenon, relatively new, and could contribute to accelerate the territorial restructuring.

- Large regions are still institutionally and statutorily weak. Some of them and paradoxically further weakened by the law on merging which gives birth to territorial monsters without projects. If the regional level is often put forward as the consistent scale for territorial policies by Europe or the state, force is now to find the great reluctance of France to give them strong powers.

- The departments are globally experiencing a loss of vitality. However there are strong regional disparities between some departments that could completely disappear, merged with metropolises and on the contrary rural departments still needed when the size of municipalities does not allow the creation of genuine autonomous urban complexes. Between these two extremes, there would even be possible to imagine situations in-between. Are we moving towards an 'agencification' of departments for delivering social assistance, or the constitution of simple local variations of regions? One would think so, but for now due to lack of alternative model the government has not decided.

- The development of ever larger intercommunalities gradually renders municipalities devoid of their meaning. The archetype would be the new metropolises presented here, but then how to ensure the democratic control of this fundamental level?

- The end of municipalities as a level of power in the short term.