



INTER-MUNICIPAL COOPERATION: WORLD REALITIES AND ROMANIAN STRATEGIES

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Abstract: *Our work aims to reveal those aspects of importance to the problem of inter-municipal cooperation, looking in particular to world realities and Romanian strategies. We will examine to what extent the Romanian current legislation supports the inter-municipal cooperation, we will also present the results of prior surveys of the representations of inter-communal cooperation as a form of inter-municipal cooperation, surveys which we undertook in recent years. Looking into the future of inter-municipal cooperation in Romania, we will describe the various development strategies drafted by the Romanian administration and look at how the concept of inter-municipal cooperation has been included into the strategic policy. The conclusions of this study try to serve the effort of answering the pivotal question: 'Inter-municipal cooperation or amalgamation in Romania?'*

Keywords: *municipalities, amalgamation, inter-community development associations, development strategies.*

Introduction

In spite of its ubiquity – as Hulst and van Montfort rightly remarked – inter-municipal cooperation has not been much of a subject of comparative systematic research. More than that, Hulst and van Montfort noted in regard to some countries' or public policy sectors' variations in density of inter-municipal cooperation, that there is no methodically-collected available data. Additionally, inter-municipal cooperation has not always been successful and the factors determining its success or failure are barely known (Hulst and van Montfort, 2007).

Starting from these premises, we should state from the beginning that inter-municipal cooperation in itself comes with terminological challenges. This is due to the different set phrases through which specific realities are captured in each language. And then, there are also the various meanings of the term municipality in connection to which the

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Anglophone world for example uses the term inter-municipal cooperation for what the Francophone one calls *inter-communal cooperation* (*coopération intercommunale*, fr.), or *inter-communality* (*inter-communalité*, fr.) (Aubelle, 1995). In Romanian, in particular, the proper term would be *association for inter-community development*. *Municipality* also has different meanings in different languages. In English and French, it signifies a territorial unit with own governance or the governance itself. In Romanian, the term applies solely to the administrative body of a settlement with municipal ranking. For our purposes we chose to use the English and French-like extended meaning of the term which includes also smaller units like communes or cities which have not necessarily been ranked as municipal in Romanian legislative terms. Accordingly, our use of inter-municipal cooperation will equally apply to all Romanian administrative units, regardless of their size or legal status. Inter-municipal cooperation will thus include both the cooperation between different communes and the associations for community development as defined in Romanian law.

Another important clarification, we should make, is that inter-municipal cooperation is seen in this paper as an alternative to amalgamation – which is the fusion of smaller municipalities into a larger one. For Romania, we will acknowledge in the end that inter-municipal cooperation can be a prior stage to amalgamation, a stage that implies technical, political and socio-psychological preparedness for a subsequent territorial re-organization into viable municipalities.

While examining some of the aspects of inter-municipal cooperation and amalgamation in different parts of the world, we start from the premise that in many real-life situations the resources available to different communities are limited and sometimes insufficient for solving the problems they are being confronted with. Where they are available, these resources may be used more efficiently, in particular forms of inter-municipal cooperation.

Inter-municipal cooperation and amalgamation throughout the world¹

Specialists appreciate that while the municipality is the oldest and most durable element of European administration, the last fifty years brought a series of challenges that tested its dominant status to the point of threatening its very existence. Local governments in small communities are faced not just with increased expectations in the standards of the services they have to offer, but also with an increase in the difficulty of providing these services. As a matter of fact, all local communities are being confronted with the rise of the complexity of social processes according to Hulst and van Montfort (2007). It is also evident that many of the problems faced by communities are common among several neighbouring municipalities, namely managing a common water source, a common garbage facility or a common labour market. When faced with common challenges, municipalities may cooperate or conflict according to Sancton, James and Ramsay (2000).

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One option in facing common challenges is amalgamation, through which several municipalities fuse into a single entity (Sancton, James and Ramsay, 2000; Mabuchi, 2001; Krushner and Siegel, 2003, Hulst and van Montfort, 2007). Through amalgamation, one tries to build municipalities that are sustainable both financially and technically. Slack and Bird (2013) analyze the municipality of Toronto, the biggest city in Canada, and conclude that the financial and technical viability of amalgamation pays off for small and poor communities, but not so much for large, developed ones. The tendencies towards amalgamation have been more pronounced in the northern, Scandinavian states between 2000 and 2010. Denmark, for instance, managed a major administrative reform that resulted in the reduction of the number of municipalities from 275 to 98, and in the rise of the average population rate per municipality from 19,500 to 56,500 (Steineke, 2010). Mitsuhiro Okamoto (2012) presents a history of amalgamation in Japan starting with the year 1888 and shows that the reduction in the number of municipalities from 3,232 in 1999 to 1,821 in 2006 is being appreciated in both positive and negative terms. The arguments against amalgamation invoke not just quality of service concerns, but also democratic ones, whereby expert-issued imperatives like 'bigger is better' or 'larger municipalities are more efficient than smaller ones' become un-democratic substitutes for the right of the citizens to decide if they want their communities fused or not into mega-settlements (Drechsler, 2003).

Another option is the inter-municipal cooperation. The most frequent objectives of inter-municipal cooperation are the provision of services like modern waste management, fire brigade, health services (Bahloul, 2008; Hophmayer-Tokich and Kliot, 2008; Holen-Rabbersvik *et al.*, 2013; Bel, Frageda and Mur, 2014), the supply of natural gas, water and sewage, electricity (Hulst and van Montfort, 2007). In the EU countries, aside from the example of Great Britain (Kelly, 2007), inter-municipal cooperation is widely encountered.

A particular example of inter-municipal cooperation in our opinion is that of France (Aubelle, 1995). The central concept in the French administrative legislation and practice is that of urban community, which is defined as "*a public institution of inter-municipal cooperation (...) a grouping of over 50,000 inhabitants in a single land and without an enclave around one or more communal centres of over 15,000 inhabitants*". The urban community viewed through its objectives, represents an area of solidarity in which to develop and conduct together a common urban and territorial development project (Law [Loi] no 99-586, 1999, art. L. 5216-1). An urban community is led by a Community Council whose number of seats and their allocation is established either by a consensus of all municipal councils of the communes belonging to the area, or by the size of the population (art. L. 5216-3). The President is the executive organ of the public inter-community cooperation institution (art. L. 5211-9).

When looking at Eastern Europe and Caucasus region countries, Hachemi Bahloul (2008) remarks that one significant trait is the municipal fragmentation, which in conjunction with a certain resistance to amalgamation, become the main features that should be considered when attempting inter-municipal cooperation.

When looking at the experience accumulated throughout the United Nations Development Programme, Pawel Swianiewicz (2008) lists the legislative framework, the

stimuli, the culture of cooperation and the strong leadership, as factors that ensure the success of inter-municipal cooperation. There are also pitfalls and traps that should be avoided according to Swianiewicz like: *“political costs of co-operation, slow decision-making process, weak democratic control, local particularism transferred into another forum instead of being eradicated and, sometimes, costs due to duplication of administrative structures”* (Swianiewicz, 2008, p.7).

When analyzing inter-municipal cooperation applied to a sewage water treatment project in Israel, Hophmayer-Tokich and Kliot (2008) found a series of advantages like: a more efficient use of financial and land resources, a reduction of socio-economical and leadership disparities between municipalities and a reduction in spill-over effects.

Inter-municipal cooperation in Romania: legislation, researches and strategies

The Romanian Constitution does specify the administrative structure of the country however, which according to article no. 3 is organized into “commune” (communes), “orașe” (cities) and “județe” (counties). The term municipality thus refers strictly to communes and cities, the counties being departmental-level structures.

Although the overall population has been declining in numbers between 2000 and 2010, the number of municipalities grew, according to the 2013 Survey of the National Statistical Institute. During this period, the number of cities grew by 55 (from 265 to 320) and that of the communes by 175, such that there were 3,181 municipalities, in 2011, in Romania (Institutul Național de Statistică [National Institute of Statistics], 2013, p.25).

Romanian legislation and inter-municipal cooperation

In Romania, the Law no. 215/2001 and its subsequent amendments stipulate that *“two or more territorially-administrative units have the right, within the limits of their deliberative and executive authority, to cooperate and associate under the law and to constitute inter-community development associations with private law and public utility legal status”*. Such associations may be constituted under the law ‘for common implementations of regional interest development projects or for common offering of public services’ (Legea [Law] no. 215/2001 art. 11-1, 11-2). The same law also regulates other forms of association like metropolitan areas and urban agglomerations which *“may be constituted with the express accord of the territorially-administrative units’ local councils”* for *“infrastructure development and common-interest development objectives”* (art. 11-2). An important observation is that the deliberative and executive authorities of each territorial-administrative level preserve their local autonomy under the law (art. 11-2).

The Law no. 286/2006 which amends the aforementioned law defines inter-community development associations as being *“cooperative structures having legal status under private law and that are constituted by the territorially-administrative units for the common implementation of regional interest development projects or for the common offering of public services”* (Legea [Law] no. 286/2006, art. 1c). Other areas regulated by Law no. 286 are: 1) financing of IDAs

(inter-community development associations): *“Inter-community development associations are being financed by contributions from local budgets of the member territorial administrative units, as well as from other sources under the law”* (art. 11.1.1); 2) Governmental support: *“The Government supports the association of territorially administrative units through national development programs. These programs are financed from the national budget and are distinctly outlined within the Ministry of Administration and of Interior’s budget, under the local public financing law”* (art. 11.1.2); 3) Management of the associations: *“The inter-community development associations are led by an administration council made up of representatives of member territorial administrative units, representatives who are nominated by the local or county councils at the suggestion of the mayor or county council’s president, or at the suggestion of the local or county councillors, depending on the case”* (art. 11.2.1).

The metropolitan area is defined by Law no. 264/2011 as being *“the inter-community development association that is constituted on a partnership basis between the capital of Romania, the municipalities of the 1st rank, or the county-capital municipalities and the territorial administrative units in the immediate area”* (Legea [Law] no. 264/2011, art. 1).

As one can see, the inter-municipal cooperation benefits from a solid legislative environment in Romania. The performance of cooperation in the case of the metropolitan areas has been analyzed by specialists and they concluded that the management is deficient mostly due to a lack of inter-municipal cooperation practice (Ianoș, Peptenatu, Drăghici and Pintilii, 2012).

Research on inter-municipal cooperation perspectives

This section will attempt to provide a possible picture of the representations of the idea of inter-municipal cooperation in some areas of Romania at a point in time, in its inter-communal cooperation variety. Towards that purpose we will be using a series of research projects undertaken in the period in which the juridical underpinning of the territorial administrative units forms of association were taking shape (Legea [Law] no. 215/2001, for example).

Our first research on the possibility of inter-communal cooperation was carried-out in 2001. The research was conducted in the Trascău Depression of Apuseni Mountains and included the villages of Vălișoara and Izvoarele – belonging to the (poorer) commune of Livezile – and the villages of Colțești and Rimetea – belonging to the (slightly richer) commune of Rimetea.

A first observation was that the inter-communal cooperation idea had more support in the poorer villages of Livezile commune than in the richer ones of Rimetea. One of the inter-communal cooperation barriers in this space was the belief that if solutions were not to be found at the local level, they should be looked after higher up: at the county level or even at the governmental one. When inter-communal cooperation was more clearly articulated, it was resting on certain tensions within the Livezile commune, a dynamic that was generated by the desire of two villages from this commune to separate from it and adhere to the other commune (Rimetea). In the end, it appeared to be more of a matter of administrative reshuffle, a type of semi-amalgamation than of inter-communal cooperation. (Pascaru, 2010).

Another investigation on the subject of inter-communal cooperation was carried-out in 2003-2004 in the communes Orlești and Scundu of Vâlcea County. The data showed that the inhabitants of Orlești perceived the ones of Scundu as being somewhat inferior. In spite of these differences there was no resistance to the idea of association, most inhabitants gladly embracing the idea. The only stipulation they had was that the association solve some real problems and it was not just on paper.

The results from a 2004-2005 survey of Albac, Scărișoara and Horea communes of Alba County showed that out of the 33 proposed association combinations only 12 referenced the micro-region of interest to us. In eleven cases, the association was seen as useful only if it would have been made with a foreign commune (from Belgium in some cases and from Germany in other cases). In four cases, one indicated a commune from the area or a city nearby. In the rest of the cases the proposal applied to communes belonging to the richer areas of Romania, or to communes from the plains with substantial agricultural resources. (Pascaru and Buțiu, 2007).

The conclusions one can draw from revaluing our research studies may be formulated this way: 1) in terms of representations, the cooperation was not being rejected off the bat, but there was a certain confusion on its actual ways of implementation; 2) at the local administration levels, there was no significant interest in inter-communal cooperation even three or four years after the Law no. 215/2001 was enacted. As we shall see, the interest in inter-communal cooperation will materialize under the 'pressure' to attract European funding, including the one aimed at developing the administrative capacity.

Inter-municipal cooperation in programmatic and strategic documents

In the document entitled "Memorandum with regard to the Adoption of Measures Necessary to the Start of the Regionalization – Decentralization Process in Romania", there is no reference to inter-municipal cooperation, or to any other form of association among communes for that matter. Similarly, there are also no references to a possible re-organization of the administrative units of the country, more precisely to a possible amalgamation process of smaller communes into larger ones (Ministerul Dezvoltării Regionale și Administrației Publice [Ministry of Regional Development and Public Administration], 2013). The first report of the Consultative Council for Regionalization (CONREG) – an expert forum aimed at supporting regionalization – also ignores such realities. While it is a valuable report, it is also a strictly conceptual one. It is only the second CONREG report in which, through profound statistical analysis professor Dumitru Sandu, a well-known member of CONREG showed that in Romania, in the last ten years, the number of communes increased by 220 through fragmentation and administrative re-defining of older communes. This fact, Sandu appreciates, in addition to other processes of emigration and of the drop-in birth rates, *"have accentuated the decrease in size of rural communities and had the natural side-effect of a drop in the financial capacity of the communes"*. *The long-term trend of association taking place in other European communes appears to be unknown in Romania, while the public debate completely ignores the issue* (Sandu, 2013, p.39). One should also keep in mind a rather hard-hitting observation made

towards the end of the report – and more than 10 years after the ratification of Law 215/2001 – by Sandu. He warns the public that the cooperation achieved up to that point had the feature of a “punctual opportunity”, which is to say that it may have been only circumstantial, based on the temporary availability of European funding and of governmental support.

Will one think differently in the future in this regard? To answer this question, we should engage in a brief review of Romania’s strategic documents, while at the same time, and keep a critical eye on their consistency with each other.

The Romanian Public Administration Consolidation Strategy for 2014-2020 (RPACS), a subchapter of the “Public Service Access and Quality Improvement” objective, looks, among other things, at the cost and delivery time reduction of public services (Strategia pentru consolidarea administrației publice în România 2014-2020 [Romanian Public Administration Consolidation Strategy 2014-2020], 2014, p.59). Among the major domains of intervention, there are also the encouragement of associations in order to achieve economies of scale and the development of a managerial culture in the institutions and in the authorities that provide public services. This strategic approach implies: 1) identification of a list of those public services that are most suitable for being delivered through collaboration among several territorially administrative units; 2) development of mechanisms for associative or in-partnership type delivery of services; 3) elaboration of a system of encouragement and stimulation of the territorially administrative units for providing services in common; 4) the implementation of a national inter-community development association support program that will contribute to the existing associations’ administrative capacity increase and that will stimulate the association of territorially administrative units in inter-community development associations (Strategia pentru consolidarea administrației publice în România 2014-2020 [Romanian Public Administration Consolidation Strategy 2014-2020], 2014, p.61). Specifically, one aims at the increase in the number of inter-community development associations (from 433 in 2011) and in the number of territorially administrative units that belong to at least one association (from 2695 in 2011). Also, it is important that one seeks the increase in the number of services that would be provided through these associations (Strategia pentru consolidarea administrației publice în România 2014-2020 [Romanian Public Administration Consolidation Strategy 2014-2020], 2014, p.72).

In connection to the different forms of inter-communal association, RPACS mentions the following findings with diagnosis value: “*At the national level, there are legally defined forms of cooperation between urban and rural settlements, or between (solely) rural settlements or cross-border forms of cooperation. The legal forms of cooperation between territorially administrative units are the IDAs (Inter-community Development Associations) which represent cooperative structures created by territorially administrative units for the purpose of common local interest development projects, or for the delivery in common of public services. In 2012, there were over 600 partnerships with inter-municipal cooperation objectives. The IDAs created around the growth poles (cities of Brașov, Cluj-Napoca, Craiova, Iași, Ploiești and Timișoara) are considered to be examples of metropolitan-type associative structures*” (Strategia pentru consolidarea administrației publice în Romania 2014-2020 [Romanian Public Administration Consolidation Strategy 2014-2020], 2014, p. 29). From the very stage of the SWOT analysis of the Romanian territory, RPACS

considered to be an opportunity the “*inclusion of communes in the county level inter-community development associations for the delivery of public utilities (water, sewage and waste)*” (Strategia pentru consolidarea administrației publice în România 2014-2020 [Romanian Public Administration Consolidation Strategy 2014-2020], 2014, p.73).

Conclusions

Our incursion into inter-municipal cooperation world-wide revealed that the problems confronted by municipalities today are more and more complex and display a trans-municipal profile. The provision of specific services has become almost impossible to achieve by a single entity. Resource and environmental management problems, as well as problems of the labour market, education or culture demand either inter-municipal cooperation or amalgamation – that is fusion of several municipalities. Evaluations also show some of the limits of inter-municipal cooperation, one being the costs of governance super-structures, which are not negligible by any means.

In such a global complex, the Romanian realities are defined by a specific paradox: that while the population of Romania has decrease in the last decades, the number of municipalities has increased due to fragmentation of larger municipalities into smaller ones. Social life, in all its complexity, suffers. Poverty for example is associated with small size of municipalities, which is so much more evident in the rural area.

Legislation that encourages the cooperation (association) exists however, and it stipulates as forms of trans-municipal organization the inter-community development associations, the metropolitan areas and the urban agglomerations. This legislative framework, although present since the beginning of the 2000s, has been little known to the public at large and to the potential beneficiaries of inter-community cooperation alike. This fact has been revealed by us and our collaborators’ research studies undertaken between the years 2004 and 2008 in several communes from Romania. Inter-municipal cooperation was at times confused with twinning or was based on the wrong notion of a division of existing municipalities. Historical rivalries and a certain indifference of local authorities acted as a barrier to inter-municipal cooperation. Some interest peeked when European financing appeared.

Among all problems of inter-municipal cooperation in Romania the more stringent ones in our opinion are those of the commune level municipalities, especially those of small communes that lack sufficient resources to develop or to provide salaries for own personnel by themselves.

The analysis of Romanian development strategies finds that inter-municipal cooperation has support on the medium and long-term prospects in principle, but less so in practice, where concrete programs appear to abandon the strategy. Thus, if in the Romanian public administration strategy for 2014-2020 the references to inter-municipal cooperation are included in the set phrase ‘*associations for the promotion of economies of scale*’, in Administrative Capacity Development Operational Program 2014-2020, all references to inter-community development associations that were eligible within ACD OP 2007-2013 scope, seem to have vanished.

In our opinion, the development of Romania will be difficult to achieve at the territorial level due to such a large number of municipalities which, either due to their size or to their lack of resources, will be unable to keep up. There will be a point in time at which amalgamation may become an important direction of strategic development, but until then we think, different forms of inter-municipal cooperation backed by strong governmental support may prove to be the best amalgamation-preparing solution, not just technically and politically, but also sociologically.

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