

DECENTRALISATION, CONSTITUTIONAL LAW, AND THE STRENGTHENING OF MUNICIPAL AUTHORITY: INTERNATIONAL PERSPECTIVES

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Abstract

Decentralisation is increasingly recognised as a cornerstone of contemporary governance, connecting democratic participation, public service delivery, and sustainable development. Constitutional provisions are central in determining municipal independence. However, differences in political, legal, and cultural contexts produced varied outcomes globally. This research examined the connection between constitutional law and municipal empowerment based on comparative international experiences. A comparative qualitative design was utilised, basing itself on constitutional documents, municipal legislation, policy reports, and academic literature. Case studies covering Europe, North America, Asia, and Africa were chosen to reflect a diversity of governance patterns. Data were analysed by themes in order to evaluate the performance of constitutional assurances, fiscal terms, and judicial interpretations in influencing decentralisation outcomes. Findings revealed that federal systems ensured municipalities with structural autonomy, whereas unitary systems necessitated explicit assurances to guarantee decentralisation. European Union member states exhibited more robust municipal empowerment, emerging democracies showed partial safeguards, and developing nations were subjected to weak protections. Judicial activism proved to be a determining factor in strengthening municipal powers, whereas fiscal reliance and low administrative capability restricted effectiveness. Decentralisation succeeds when supported by constitutional guarantees, fiscal autonomy, and institutional safeguards. The recommendations included consolidating constitutional guarantees, building municipal capacity, and fostering citizen engagement. Research in the future should investigate digital governance, smart cities, and the role of decentralisation in social equity.

Keywords: Decentralisation, constitutional law, municipal autonomy, governance, comparative analysis

Introduction

Decentralisation is now the hallmark of modern governance, a signal of the worldwide movement away from centralised decision-making towards subnational and local governments. Decentralisation is increasingly associated with deepening democracy, enhanced service delivery, and sustainable development (Azfar et al., 2018). It brings decision-making closer to citizens and further improves participation, accountability, and policy innovation. Therefore, municipalities are pivotal agents of equitable governance as the primary interface between the state and the people. Experiences differ: in Africa, decentralisation has enhanced local government powers but is still limited by weak resources and institutions (Erk, 2018), whereas in Europe, municipalities enjoy greater fiscal and policy independence (Bouckaert & Kuhlmann, 2016). At the global level, locally driven solutions to interdependent social and environmental problems have further entrenched decentralisation as a defining governance approach (Crook and Manor, 2018).

Constitutions are key to determining the extent and resilience of decentralisation. Municipal autonomy has become, in most countries, not so much a policy choice but a constitutional norm, and

this has given it legal recognition and safeguards against central interference (Batanov, 2021). Many African states have constitutionalised municipal rights (Fombad, 2018), while in the European Union, decentralised unitary states like the Netherlands have enhanced subnational mobilisation within wider EU integration (Groenleer and Hendriks, 2020). But results are still unbalanced: some states ensure constitutional (or constitutionally entrenched) fiscal and political autonomy, while others have extensive central control, limiting local self-government (Britchenko et al., 2019). Scrutinising such constitutional power balances is thus critical in the development of governance frameworks that amplify citizens' participation and sustainable development.

Local autonomy has further become more significant under globalisation, fiscal federalism, and sustainable governance. Cities are increasingly identified as innovation locations, capable of creating context-specific solutions to urgent social and environmental challenges. Yet their success relies significantly on constitutional and institutional settings. Where constitutions explicitly enshrine autonomy and provide adequate fiscal endowments, cities exhibit higher performance and responsiveness. Weak or ambiguous constitutional provisions, on the other hand, tend to generate political interference, underfunding, and institutional vulnerability. This emphasises that decentralisation is no longer an ephemeral trend in governance but a structural imperative for the accommodation of pluralistic demands in democratic politics.

Most constitutions recognise municipal autonomy in theory but do not have functional devices for its implementation, generating disputes over fiscal management, administrative powers, and political leverage. Constitutional reforms in Africa have generally been subverted by poor enforcement, whereas in Europe, administrative fragmentation and fiscal imbalances continue to raise problems (Chaudhary, 2019). There have been relatively limited comparative studies on these areas and constructing models of high central control and high municipal empowerment is challenging.

This article shall fill this gap by contrasting the effects of constitutional designs not only on the decentralisation process but also on the powers of the municipals in various systems of governance. Two things arise out of it, not only what many legislative and policymaking bodies trying to strike a balance between central control and local control can learn comparatively through it (Atisa et al., 2021), but it also provides a cross-regional dimension to the research on decentralisation and constitutional law. In this manner, the research attempts to grant a test to the constitutional design-fiscal capacity as well as judicial protection to investigate how effective can decentralisation be and give recommendations as to how the municipal government can be empowered to allow inclusive, accountable and sustainable development.

Research Objectives

1. To analyse the role of constitutional frameworks in shaping municipal authority and decentralisation across different governance systems.
2. To compare international models of decentralised governance to identify key factors that enable or hinder municipal autonomy.

Research Questions

1. How do constitutional provisions influence the scope and effectiveness of municipal authority in different governance contexts?
2. What lessons can be drawn from international experiences to strengthen decentralisation and empower local governments?

Literature Review

The decentralisation theories emphasise the delegation of power from central to subnational authorities, focusing on increased efficiency, popular participation, and responsiveness of policies (Mohammed, 2016). In governance literature, subsidiarity as a principle contends that decisions ought to be taken at the nearest point to people, reinforcing accountability and institutional trust (Melnichuk

et al., 2021). Self-government theories also emphasise local autonomy, allowing municipalities to respond to situation-specific needs while being consistent with broader national goals (Ismailova et al., 2023). Studies in comparative governance have found that robust local institutions allow for efficient delivery of services, minimise bureaucratic inefficiencies, and promote democratic legitimacy (Kitchen et al., 2019). Nevertheless, the attainment of these gains relies on the institutional setup and financial capacity of local governments (Hermansson, 2019). Though decentralisation promotes inclusive governance, uneven enforcement in countries points to challenges, especially in political-administrative settings where constitutional guarantees remain subordinate (Oomen et al., 2021). In this regard, the theoretical approaches demonstrate the potential of decentralisation whilst it advocates legal and institutional restraints.

Comparative research clarifies the differences between federal and unitary systems of practice of decentralisation. Federal systems such as the U.S. and Germany give local governments constitutional protection regarding its freedom to determine financial resources and policy priorities. Unitary states are more likely to centralize power and have progressively adopted reforms of empowering the greater municipalities within constitutional constraints. Unquestionably, in their explanation of this characteristic, the established deceleration in Ukraine offered the budget freedom to afford them to make the most of service delivery and capacity formation on the floor (Oleinikova, 2020). Kazakhstan's new model of budget decentralisation combines bottom-up engagement and more robust institutional mechanisms. The other thing that these two models have in common is that they prescribe the constitutional provisions of equal distribution of available social resources and security of power within cities (Nickson, 2016). However, despite the structural differences, harmonious decentralisation indirectly reconciles central authority and local discretion in guaranteeing efficiency, responsibility and equity (Kuhlmann and Wayenberg, 2016) caused in various ways by situations and criteria which are political, financial and bureaucratic.

Centralisation global tendencies accept the increasing needs of local democracy, financial responsibility, and administrative independence. Following globalisation and increasing complexity of policy, municipalities are becoming central players in how we tackle migration, economic inequality, and sustainable development. OECD, EU belong to the participatory form of governance and, therefore, subnational governments are invited to develop new solutions, which must be responsive to the needs of citizens (Kuhlmann et al., 2021). Decentralised systems contributed to the nimble and supported capability of managing localised response to the covid-19 pandemic campaigns. The less developed countries, Ghana and Kazakhstan have implemented the general reform of decentralisation, trying to promote the concept of accountability and start the process of development the communities have initiated. International practice, however, singles out two persistent difficulties in the shape of unequal resource allocation, political intervention, and administrative discontinuity. On the whole, the experience of the international world shows that the corporate improvement of constitutional and institutional system is, first and foremost, required in a bid to provide the municipal with autonomy and economic advancement in the political developmental environment.

Materials and Methods

Research Design

The comparative qualitative study design was adopted in order to investigate the issue of decentralisation and municipal power across different jurisdictions. The two areas analysed were constitutional provisions, institutional structure and policy styles of empowering municipalities. A decentralisation diversity analysis was done by comparing the various form of governance that descended to a federal, unitary and hybrid political system. This paper employed a transnational analysis where the different elements through which the constitutions influenced the autonomy of the locals, and how they organized the municipal government were examined. It shaped itself into an inspired scholastic, constitutional and institutional history that ascertained and presented a more broad

based perspective to the grievance of decentralisation tendencies and abatement impacts to efficacious government and other policies in the planet Earth and beyond.

Data Sources

To be truthful and fulfilling, multiple primary and secondary sources were used in data collection. The legal basis of municipal administration was the primary sources that provided the legal assistance documents on the subject of constitutional and lawyers, city legislations, documents that provided the legal support to the policy of the government. Peer reviewed journal articles and world research and policy reports on decentralisation and constitutional reform were used as secondary data. Case studies of Europe, North America, Asia and Africa were analysed to identify the existent regional differences in systems of governance. The Global reports and the international policy recommendations of the units inclusive of, and not limited to OECD and UN-Habitat have going as well that comparative result of the issue of the municipal autonomy or the manner in which the decentralisation is going about the world can be slipped off.

Case Selection Criteria

Case selection relied on purposive sampling to provide diversity in governance arrangements and decentralisation practices. Countries were selected in light of their constitutional laws on municipal power and the level of local government autonomy. European, North American, Asian, and African representation enabled developed, developing, and emerging economies to be included, thus offering a representative view. Federal forms, such as Germany and the United States, unitary forms, like France and Japan, and hybrid forms found in nations such as South Africa and Ukraine, were included in the cases. It facilitated comparative analysis and identified cross-regional decentralisation patterns.

Analytical Framework

The thematic comparative approach that included comparative reviews of constitutional clauses, judicial interpretations and decentralisation-complementariness policy mechanisms were analysed. Thematic areas including municipal autonomy, fiscal autonomy, and administrative power were identified and analytically examined in terms of jurisdictions. The question of the evaluation of policy forms to understand the constitutional intimation of local rules as a right was the way of checking criminal cases and judicial norms. Regional pattern and variation of analysis performed to unwind good strategy, constraints, and scope of reformation. The design above ensured the homogeneity of interpreted data mode and representative character of the multifaceted delivery of municipal power of the disputed variant of constitutional and forms of government constitution model worldwide.

Results

Federal and Unitary Constitutional Approaches

The studies demonstrated that the federal constitutions, as in the case of the United States, of Germany, and of India, gave municipalities great legislative and financial power. Systems constituted their municipalities as constitutional institutions that were given an independent right to make local decisions as outlined in Table 1. The following, however, contain the unitary constitutions of power, into which they typically result, such as that of Sweden and of Japan, which today remain central and then decentralized to the municipalities as instruments of the national government. During the times when unitary countries curtailed budget autonomy, they ensured strong statutory and constitutional assurances to empower the local governments. The federal types insisted on the natural municipal autonomy, on which were willingly founded the unitary designs the definite guarantee of local jurisdiction.

Table 1. Comparative Overview of Federal and Unitary Decentralisation Models

Aspect	Federal Systems (USA, Germany, India)	Unitary Systems (Sweden, Japan)
Constitutional Structure	Decentralised by design; municipalities recognised as autonomous entities	Centralised system with delegated powers
Fiscal Autonomy	High; local governments raise significant revenue independently	Moderate; municipal budgets allocated by the central government
Judicial Oversight	Strong judicial protection of the local authority	Limited judicial activism in municipal matters
Policy Flexibility	Municipalities control wide-ranging local policies	Greater national influence on municipal priorities

Regional Differences in Municipal Empowerment

Countries within the European Union, especially Germany, Sweden, and the Netherlands, showed high degrees of decentralisation supported by constitutional guarantees. New democracies like Brazil, Poland, and South Africa granted moderate autonomy while retaining substantial central control over finances, as shown in Table 2. However, developing nations like Nigeria, Nepal, and Kenya were confronted with significant challenges, as municipalities were left with fragile constitutional protection and limited fiscal autonomy. These differences reaffirmed that more robust constitutional protections always tended to yield increased municipal capacity, while weaker frameworks undermined the improvement of sustainable local government development.

Table 2. Comparative Municipal Autonomy Across Selected Case Groups

Region	Representative Countries	Municipal Autonomy	Key Constitutional Features
EU Member States	Germany, Sweden, Netherlands	High	Strong constitutional guarantees
Emerging Democracies	Brazil, Poland, South Africa	Moderate	Partial constitutional protection
Developing Nations	Nigeria, Nepal, Kenya	Low	Weak or absent constitutional safeguards

Trends in Municipal Authority and Judicial Role

The findings identified three broad trends in municipal governance. First, the municipalities in robust systems had high fiscal and policy autonomy, which allowed them to act on local requirements efficiently. Second, constitutional protection was a vital instrument to preserve local power against interference from the centre, as shown in Table 3. Third, judicial activism particularly in the federal system the court established constitutional guarantees was the third phenomenon that conducive led to the achievement of the municipal autonomy. Quite to the contrary, judicial review was even lesser in the developing countries that opened municipalities to central control. Overall, these results demonstrated that constitutional design, judicial participation and fiscal autonomy were all important prerequisites to the success of decentralisation.

Table 3. Identified Trends in Decentralisation and Municipal Autonomy

Trend	Strong Systems (EU, USA)	Weak Systems (Developing Nations)
Municipal Empowerment	High fiscal and policy independence	Minimal powers delegated
Constitutional Protection	Explicit guarantees in constitutions	Limited or absent
Judicial Role	Active protection of the municipal authority	Low judicial engagement

Discussion

It has developed that there are great discrepancies in results of decentralisation performance gauging effects of political, legislative and cultural support to local government capacity. It was found that the design of constitutions have a decisive influence on the success or failure of decentralisation and municipal enabling. They granted municipalities greater control in governing matters with legislative and fiscal authority, and national governments, such as that of the United States, as illustrated in Table 1, Germany and India, were located at the Federal level, as shown below: By striking contrast, unitary countries such as Sweden and Japan depend on express constitutional clauses to devolve local governance in a centralised production. Table 2, also concluded that various regional variations to EU member states with high proportions of autonomy at the municipal levels, semi-guarantee to broader democracies and little or no guarantees of the developing countries. These findings were an expression of the political culture, legal traditions, and administrative capability combined to shape decentralisation. Table 3 also demonstrated that judicial activism played a crucial role in systems' defence of municipal power, especially in more robust systems where courts enforced constitutional protections. Conversely, where judicial activity was minimal, central governments were able to dominate. In general, the interpretation implied that decentralisation effects were not only the result of official constitutional provisions but also a reflection of context differences in politics, law, and practice affecting the actual ability of municipalities to be autonomous governance units.

The findings also pointed to long-standing obstacles thwarting the success of decentralisation. One of its greatest disadvantages was that the central government was not ready to grant real power, and central elites were more inclined to consider municipal empowerment as a threat to national power. This was clear, with even formally unitary states with local guarantees being well anchored on local agendas. Another major trip stumbling block also turned out to be financial reliance. It took authorities in the emerging democracies and the municipalities of the developing countries to rely on central transfers and, thereby, limit their financial and policy freedom. The reliance rendered local governments incompetent to resolve local challenges and problems. Also there was a deficiency of it in the competencies of the administration, which were not serving cities well, in cities particularly that were not well-developed, where less competent institutions may lack professional labor force, current control equipment and also working recognitions. In such aspects as inequality in the allocation of political authority, financial and administrative competence and resources, these challenges revealed the way the hamstringing of decentralisation took place. Although constitutional guarantees provided a legal framework around which municipal jurisdiction could be established, without sufficient capacity-building, fiscal reorganisation and political reinforcement, decentralisation was symbolic. The paper, therefore, stressed that decentralisation required more than constitution-making; it required concerted actions to strengthen their institutions and to enable municipalities to act, and govern themselves and in a self-sustainable way.

The outcome of the study contributed valuable values to the policymakers and authors of the constitution who intended to belittle the municipal authority. The federal structures showed the

potentials of organising decentralisation in such a way that the city municipalities would be self-governing. They reported that despite the unitary regimes also could achieve a sound level of decentralisation by the adoption of clear constitutional clauses alongside the reconciliation between them and the fiscal and administrative reforms. Municipal autonomy and central control could not be seen as an alternative, policymakers were forced to recognize the autonomy and control as complements. To achieve decentralisation meant balancing national unity by well thought schemes that enhanced the municipalities without compromising the interest of a greater state. Such requirements taught Constitutional reformers many lessons. They included, among others, to grant municipal autonomy unconditionally, to grant a legal right of where to operationalize and the municipal autonomy in money to grant local municipalities to satisfy the demands. As noted, judicial activism encouraged these defenses; in the sense that the central governments could scarcely afford to flout local rights. Policy implications also reached international development agencies, which could facilitate reforms by offering financial and technical support for capacity-building at the local level. Finally, the findings emphasised that decentralisation must not be viewed as an across-the-board measure but as an adaptive framework enhanced to the political, legal, and cultural context of each country to fortify sustainable governance.

The findings of this research concurred with the previous scholarship while presenting new insights. In line with Ostwald (2017), the findings indicated that the federal systems that lack effective decentralisation, as evident in Malaysia, permitted central regimes to concentrate power, mirroring the risk evident. In the same vein, Panda and Thakur (2016) highlighted fiscal dependence in India's health system, mirroring the dependency issues evident. Rumbach (2016) illustrated that effective decentralisation enhanced disaster management in small cities, mirroring the empowerment trends seen in EU municipalities. Santagati et al. (2020) depicted decentralisation in France and Italy's cultural industries, illustrating the complex interaction between deconcentration and devolution, which supported this study's differentiation between formal provisions and actual outcomes. In addition, Tavares and Feiock (2018) emphasised intermunicipal cooperation in the European context as a vehicle to enhance local power, in line with the cooperative patterns of European Union case studies. This study added a fresh insight by combining constitutional analysis with comparative international expertise, thus filling the gap between legal and governance research. The approach of focusing on judicial positions, fiscal planning, and constitutional security at the same time provided a deeper insight into how decentralisation can be realised in this or that governance regime.

Conclusion

The study has concluded that the success of decentralisation, in general, depended on the strength of constitutional support available to municipalities, and that federal systems engaged in structural autonomy, and unitary systems relied on express guarantees to strengthen local governments. The cross-country report remarked divergent international routes to local empowerment with the constitutional establishes preserved very well in European Union member states, half-way democracies with uncompleted developments, and developing states flawlessly risked and feeble. The report noted that decentralisation was better where constitutions, financial autonomy, and judicial activism came together to ensure that the municipalities had legal authority, as well as power, to exercise. Based on those results, it was proposed that governments adopt stricter constitutional clauses to guarantee municipal authority, protect local decision-making and prevent intrusion by central authorities, and enhance municipal fiscal and administrative capacity. Encouraging active citizen engagement in governance was also viewed as crucial for enhancing accountability, legitimacy, and local sustainable development. In addition, the research emphasised the need to balance decentralisation with national cohesion through the incorporation of clear safeguards and the promotion of cooperative governance arrangements. Future research should examine emerging trends such as digital governance, smart cities, and technological innovation, with special attention to how decentralisation shapes social equity and development outcomes.

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