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Common Constitutional Patterns of Capital Cities in Europe

by

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Abstract

This paper examines the dual role of European capital cities as both symbols of national sovereignty and autonomous local government units. Despite their increasing prominence in economic and environmental spheres, capitals remain deeply embedded in their states' administrative structures, balancing their functions as political and cultural hubs with local self-government. The paper identifies key constitutional and administrative patterns across Europe, drawing on Council of Europe frameworks and comparative analyses. It highlights variations in capital city models – ranging from dominant "city-states" like Berlin and Vienna to decentralized capitals such as Bern and The Hague – while emphasizing shared challenges in governance, financial autonomy, and intergovernmental cooperation. The findings underscore the enduring diversity of capital city arrangements, shaped by historical, constitutional, and local autonomy factors, with no uniform trend emerging despite European integration efforts.

Key-words

Capital cities, Constitutions, Local autonomy, State symbols, Council of Europe



1. Introduction – The Dual Role of Capital Cities

Despite their increasing prominence as autonomous international actors in economic and environmental spheres [Orttung, 2019], capital cities in Europe remain, first and foremost, integral components of their respective states' administrative structures. As inherently Westphalian constructs, they embody the history of nation-states, reflecting their triumphs, struggles, and aspirations. In essence, capital cities function as powerful symbols, communicating the core features of a state's identity both domestically and internationally [Delpérée, 1993]. Their symbolic role is deeply intertwined with their political and constitutional significance, as they serve as instruments for fostering unity and promoting political, social, and cultural integration among citizens [Smend, 1928; Häberle, 1990]. The role of capital cities varies significantly depending on the nature of the state and the degree of local autonomy it grants. According to a well-established framework [Claval, 2000], capital cities can be broadly categorized into two main types: (a) symbols of national sovereignty, embodying the historical and cultural heritage of the nation-state, or (b) functional centers of a state whose legitimacy derives from multiple communities. The former often serve as primary hubs for political, economic, and cultural activities, attracting the ruling elite and becoming centers of intellectual and artistic life for the entire country (e.g., Paris). The latter, by contrast, tend to focus on political and administrative control, sharing their influence with other significant cultural or economic centers (e.g., Bern, The Hague); they are sometimes referred to as “secondary capitals” [Kaufmann, 2018]. At the same time, and perhaps more importantly, all capital cities function not only as *ein Stück Staat* (a piece of the state) but also as local government units, typically in the form of municipalities. At least since the seventeenth century, capital cities have served as the most representative image of a state while increasingly acquiring self-governing powers [Shaw & Štikš, 2023]. Unlike other local government entities, they uniquely combine sovereignty and autonomy, balancing their dual roles as symbols of the state and as administrative units. In countries with a strong tradition of local autonomy – particularly federal states and common law countries – state administrative structures are typically less centralized, and the national capital assumes a more modest role [Slack & Chattopadhyay, 2011]. Conversely, in highly centralized states, the capital often emerges as a dominant urban center, resembling a “city-state” and characterized by an extensive bureaucratic apparatus. The interplay between the nature of the nation-state



and the degree of local autonomy results in a wide variety of capital city models. Despite this diversity, a common thread is the need to reconcile state and local government functions. The aim of this short paper is to identify the most significant patterns in these reconciliation efforts throughout Europe.

2. Shared Constitutional Patterns: Insights from the Council of Europe

This reconciliation, though shaped differently across legal systems, reveals several shared patterns among capital cities in the “Greater Europe”. These patterns are not merely descriptive but normative, emerging from the combination of state characteristics and local autonomy levels. The Council of Europe, particularly through its Congress of Local and Regional Authorities, has addressed this issue in two different reports, one adopted in 2007 and the other in 2021 [Tarschys-Ingre & Kössler, 2020]. These reports aim to establish a comparative framework for capital cities and provide general recommendations to member states on the role of their national capitals within the European constitutional legal order. These recommendations respect the constitutional identity of each state and therefore its margin of appreciation (discretion under international law) in arranging national capitals, while emphasizing the importance of local autonomy, as outlined in the 1985 European Charter of Local Self-Government (ECLSG) – the only international treaty setting out standards for local governments [Boggero, 2018; Himsworth, 2015].

2.1 The Legal Foundations of Capital City Status

Defining what constitutes a capital city is challenging beyond general descriptions of it as the demographic, cultural, economic, and political center of a country. While most European capitals enjoy direct or indirect constitutional or legal recognition, the specific function of this recognition is often difficult to clarify in broad terms. Historical convention and political consensus frequently play a role, but constitutions typically do not elaborate on the meaning of capital city status. Instead, they tend to recognize capitals either to establish a special administrative status (as discussed in Section 2.2) or to assign them a distinct place within the governmental system.



More often than not, the constitutional designation of a capital is a symbolic and political act, rooted in national traditions, customary constitutional law, or political consensus. This means that relocating the capital generally requires a constitutional amendment and/or a national referendum. Constitutional entrenchment ultimately grants capitals a degree of authority and permanence [Arban, 2020; 2022], protecting them from arbitrary relocation and ensuring their position within the state structure.

Yet, such provisions rarely shed light on the selection process or the rationale behind capital city designation. A notable exception is Belgium, where Article 194 of the Constitution – mirroring Article 126 of the 1831 text – explicitly designates Brussels as the capital due to its role as the seat of major governmental institutions. This recognition stemmed from the city’s resistance during the September Days of 1830, serving as a symbolic reward for its contribution to the nation’s independence. Following reunification, Germany underwent a similar constitutional deliberation, moving its capital from Bonn – provisionally designated as the *Regierungssitz* (seat of government) after 1949 – back to Berlin, the historic capital of the German Empire. Initially a gesture of restored unity, this decision was later formalized through a 2006 amendment to the Basic Law. Article 22 now stipulates: “Berlin is the capital of the Federal Republic of Germany,” followed by a functionally oriented clause: “The Federation shall be responsible for representing the nation as a whole in the capital.” This implies that one of the German capital’s key roles is the *Selbstdarstellung* (self-portrayal) of the nation-state’s diversity and unity. However, it remains unclear whether this provision mandates that all federal constitutional organs be headquartered in Berlin [Weischede, 2022]. In most cases, the rationale and implications of constitutional recognition remain ambiguous, leaving the underlying reasons and consequences of capital city designation open to interpretation and subject to ordinary law.

2.2 A Trend towards a Special Administrative Status?

Capital cities are often assigned a special administrative status, yet this means different things depending on the legal order under consideration. The classical distinction [Rowat, 1973; Van Wynsberghe, 2009] includes three types of arrangements that extend beyond federal systems to various forms of state organization: A capital forming a special district (e.g., Washington DC, Canberra, Abuja), primarily found in non-European federal states; A



capital constituting a city-state, also functioning as a region, thus with dual status as both a municipality and a federal entity or region (e.g., Berlin, Vienna, Brussels);

A capital located within a federated entity, a region, or a province having little or no special status (e.g., Bern, Rome, Kyiv). It is important to recognize that each of these three types of status within multilevel government systems has specific implications for autonomy. The first type – typically found in non-European federal states – involves a planned (rather than historically evolved) capital district intended to shield the federal government from potential interference by the host state. However, this concern now seems overshadowed by the opposite problem: federal overreach into the capital's local autonomy. The other two institutional arrangements are more common among Council of Europe member states. Within the Council of Europe's legal framework, “antifederal behavior” by capital cities does not appear to be a significant issue. In fact, granting capital cities representation in federal institutions may be a sound policy recommendation for federations. This approach could even provide stronger safeguards against antifederal tendencies than excluding them from institutional participation [Nagel, 2013].

Special status might also involve a different arrangement of the scope of responsibilities, as laid down by national or regional laws on municipal government. In this legal construction, the same rules apply to all municipal governments, possibly with some special regulations or minor modifications concerning the self-government of the capital city. Special administrative status is not always exclusive to capital cities; it may also be granted to manage the governing authorities of larger cities or urban areas. However, in some cases, institutional “bicephalism” creates governance inefficiencies due to an ambiguous distribution of functions and overlapping competences between the Capital City Mayor and the Head of the City State Administration. Since the latter holds executive authority, this dual structure undermines the autonomy and effectiveness of local self-government. This explains why, in certain parts of Europe, capital cities lack special administrative or legal status and hold the same administrative rank as other municipalities.

Notably, this uniformity is also common in most Western European countries. Such consistency suggests that the symbolic or political significance of capital cities does not inherently justify special legal status or differentiated treatment. On the contrary, in many Council of Europe member states, capitals operate under the same legal framework as other municipalities. Where capitals do enjoy special administrative status, it may derive from



various factors beyond constitutional recognition, including historical tradition or political expediency. Recognizing this diversity, the Council of Europe Congress of Local and Regional Authorities has evolved its position from advocating a specific special status for all capitals (Recommendation No. 219/2007) to acknowledging that “the undoubtedly specific role of capital cities does not always translate into a special status” and “where granted, this status may take different forms, depending on a great variety of factors” (Recommendation No. 461/2021). The Congress now recommends that member states exercise their margin of appreciation to establish appropriate legal safeguards for their capitals’ local autonomy vis-à-vis the national government, particularly as capitals are vulnerable to political conflicts. Nevertheless, the Congress continues to recommend special administrative status in cases where the statutory framework fails to account for the particular responsibilities of capital cities compared to other municipalities, as evidenced in recent reports (e.g., the report on Iceland CPL(2024)47-02 on the status of Reykjavik or the report on Romania CG(2023)44-11 on the status of Bucharest).

2.3 A Citywide Elected Administration and Its Subdivisions

National capitals are typically large municipalities characterized by high population density and expansive territories. The Council of Europe recognizes that most capital cities operate under a unified municipal government, though exceptions exist, such as Baku, the only European capital without a mayor [Shahniyarov, 2022]. The Congress of Local and Regional Authorities emphasizes the importance of an elected citywide administration as a key legal safeguard to represent and advance the unique interests of capital cities. To this end, the Congress advises against fragmenting a capital’s territory into multiple independent municipalities, stating that “the management of the capital city by centrally appointed authorities or by local district authorities, without an elected municipal government at the citywide level, does not comply with the fundamental principles of the European Charter of Local Self-Government” (Recommendation No. 219/2007). This position was reinforced in Recommendation 461/2021 regarding Azerbaijan, which emphasized that dividing a capital’s territory undermines the coherent representation of capital-specific interests, as historically demonstrated by London prior to the establishment of the Greater London Authority.

However, the Congress does not prescribe specific institutional features for capital city governments, as the standard provisions for elected self-government apply. For instance,



there is no mandatory requirement under Article 3, paragraph 2 of the ECLSG for both the mayor and the council to be directly elected. Nevertheless, despite resistance – particularly from Scandinavian countries, where indirect election of executives is traditional – a trend toward the direct election of capital city mayors has emerged, especially in Central and Eastern Europe since the 1990s. This shift has been most recently observed in Zagreb (since 2009) and Warsaw (since 2002), while similar discussions have taken place regarding Paris (see Discussion Document of the Secretariat of the Congress of Local and Regional Authorities on the Direct Election of Mayors, CPL(2023)44-04).

Simultaneously, many capital cities operate under a two-tier local authority system, where governance is divided between citywide and district-level administrations. This structure is often seen as contributing to more effective and efficient administration and public service delivery at the grassroots level. The specific implementation varies considerably. Particularly in microstates, some capital cities, such as Vaduz, Valletta, Luxembourg, Nicosia, and Reykjavik, generally lack internal administrative divisions. In certain cases like London or Moscow, subdivisions function as relatively autonomous self-governing districts. Elsewhere, districts serve as administrative units established either voluntarily or by legal mandate, with governance structures that may include directly elected councils (e.g., Paris, Rome, Berlin, Vienna) or appointed councils (e.g., Madrid, Athens). The Council of Europe acknowledges that the need for “proximity governance” is not incompatible with an elected citywide administration. This can be achieved by establishing districts as internal subdivisions. Suburban districts, which are common not only in capital cities but also in other local authorities, enhance administrative efficiency and public service delivery by adhering to the principle of subsidiarity. They also foster greater citizen engagement in local affairs. Consequently, the Congress recommends establishing an administrative system that includes elected district authorities, with their competences clearly defined by law and distinct from those of the citywide administration. This approach aligns with the subsidiarity principle and is particularly advisable for larger capital cities under the Charter. However, the Congress recommendation No. 452 (2021), which pleads for a clear division of competences between city and district authorities, appears to go beyond the requirements of subsidiarity, potentially constraining the flexibility needed for effective multilevel governance. Furthermore, the dual federalistic model implied in some recommendations does not reflect common practice among Council of Europe member states, where the distribution of competences between



city and district authorities often involves diverse institutional arrangements, frequently granting the citywide government hierarchical powers even within two-tier systems. In summary, while the Council of Europe advocates for elected citywide administrations and the establishment of districts to enhance local governance, the implementation of these recommendations must balance the principles of subsidiarity and flexibility. This approach is necessary to accommodate the diverse administrative realities of capital cities across Europe, ensuring both effective governance and the representation of local interests.

2.4 Addressing the Unique Financial Challenges of Capital Cities

Financial issues faced by capital cities are, in many respects, similar to those encountered by other local government units. However, in federal systems such as Germany or Austria, the comparison is more appropriately drawn with other *Bundesländer* rather than with local authorities. Like all subnational entities, capital cities are primarily concerned with ensuring sufficient revenue-generating capacity, including taxation powers – and securing adequate financial transfers to fulfill their responsibilities.

Nevertheless, despite the considerable economic advantages of being a national capital, these cities across Europe share a distinctive financial challenge: they typically incur higher expenditures compared to other urban centers of similar size. This increased financial burden stems from a variety of factors, including the need to host national institutions (such as government offices, parliaments, and judicial bodies), accommodate diplomatic missions (embassies and international organizations), provide infrastructure and services for national events and public demonstrations, and maintain heightened security measures, among others. In recognition of these unique financial pressures, the Council of Europe Congress has recommended that capital cities receive regular additional compensation through dedicated fiscal mechanisms. For example, the case of Andorra La Vella (CPL(2024)46-02) illustrates how a capital city's distinctive role necessitates tailored financial arrangements to address its specific needs. This compensation is essential for enabling capital cities to fulfill their dual roles as both local administrative entities and national centers. Another critical financial issue concerns the division of revenues between citywide governments and their districts in two-tier systems. While district-level authorities in many countries are eligible for equalization grants through the same mechanisms as other municipalities, the allocation of funds between citywide administrations and their subdivisions often follows different



methods and principles. This creates potential disparities in financial resources relative to responsibilities. From the perspective of the Charter, particularly Articles 9(1) and 9(2) ECLSG, it is essential that both capital city governments and their districts have financial resources commensurate with their duties. The citywide administration must possess sufficient financial flexibility and autonomy to ensure this balance, especially as it often bears the primary burden of additional costs associated with capital city functions.

2.5 Establishing Special Channels for Horizontal and Vertical Co-operation

The relationship between capital cities and central governments exemplifies the challenge of reconciling a capital's dual role as both a state administrative entity and a local government unit. Despite this need for special coordination, capital cities typically lack dedicated formal channels for this purpose; they must generally use the same communication pathways available to all local governments, underscoring once again the prevalence of uniformity over differentiation in many Council of Europe member states.

While special bilateral channels between national governments and capital cities do exist, they are often informal and ad hoc rather than institutionalized. The Council of Europe therefore recommends formalizing cooperation both horizontally (between the capital and neighboring municipalities) and vertically (between the capital and higher levels of government), as required by Article 4(6) of the ECLSG [Vandelli, 2004]. Central-local government relations tend to be stronger and contacts more numerous when the capital city holds additional status beyond being just a local authority, such as representing an entire region or another middle-tier governmental unit (e.g., the city-states of Berlin or Vienna). In such cases, the capital participates in intergovernmental relations through established federal or regional mechanisms. Individual agreements between capital cities and national governments serve as the most common legal instrument for managing this relationship. Examples include the cooperation agreements between the federal government and the *Land* of Berlin in Germany, the coordination mechanisms between the Austrian federal government and Vienna, and the joint committees established in Brussels. Equally important are frameworks governing the capital's interactions with surrounding municipalities, particularly for addressing metropolitan-scale challenges like transportation, environmental management, and regional planning. These neighboring relations – common not only in capital cities but also in metropolitan areas – are typically established by law, creating



frameworks for cooperation based on mutual agreements. Such partnerships may address specific administrative tasks (as in the case of the Greater Paris Metropolitan Area) or establish comprehensive, long-term collaborative frameworks (as with the Madrid Metropolitan Region).

3. Conclusions – The Enduring Diversity of European Capital Cities

The distinction between different types of capital cities, rooted in the nature of the state, has gradually evolved over time due to the standardization brought about by the rise of the nation-state in the 19th and 20th centuries. Nevertheless, fundamental differences persist today, as evidenced from the outset by the contrast between cities like Paris or Moscow, which serve as dominant national centers, and those such as Bern or Amsterdam, which share influence with other major urban centers within their countries. There is no significant – or even foreseeable significant – general trend toward the uniformization of capital city structures or organization across Europe. While European Union regulations do not directly target capital cities, they indirectly shape them as urban areas through rules applied to Local Administrative Units (LAUs) and the Nomenclature of Territorial Units for Statistics (NUTS), as well as through specific policy tools like the Urban Agenda for the EU [De Frantz, 2022].

Although globalization and legal transplants within the EU may have introduced some commonalities in urban governance approaches, they have not erased fundamental differences in capital city arrangements. Over the past three decades, the Council of Europe significant – particularly through its Congress of Local and Regional Authorities significant – has sought to promote certain standards for local governance by encouraging alignment of capital city arrangements in the Caucasus and Eastern Europe with principles derived from Western European models. Yet, this harmonization effort should not be interpreted as diminishing the diversity of capital cities. On the contrary, the underlying nature of the state and the extent of domestic local autonomy continue to play significant roles in sustaining varied capital city structures across Europe. The term most frequently associated with capital cities in comparative studies remains “variety” [Rossmann, 2017; Kaufmann, 2018],



underscoring their enduring diversity despite increasing legal standardization. This diversity reflects the continued importance of constitutional identity significant – the ultimate source of legitimacy for a capital’s legal order and the degree of local autonomy it enjoys – in shaping capital city arrangements. As Europe continues to balance integration with respect for national distinctiveness, capital cities will likely remain diverse expressions of their respective states’ constitutional traditions while gradually incorporating shared principles of local democracy.

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