

OSCE Human Dimension Implementation Meeting

Warsaw, 28 September – 9 October 2009

Working Session 17 : 'Democratic Institutions'

Contribution of the Council of Europe

1.

The **Code of Good Practice for Civil Participation in the Decision-Making Process** is the result of a recommendation in 2007 by the Sigtuna/Stockholm Session of the Forum for the Future of Democracy to the Conference of INGOs of the Council of Europe. The Code of Good Practice is addressed to public authorities and civil society in all Council of Europe member states and Belarus, and covers mechanisms for NGO participation in decision-making processes.

The Code of Good Practice aims at contributing to the creation of an enabling environment for NGOs in Council of Europe member States and Belarus by defining at European level a set of general principles, guidelines, tools and mechanisms for civil participation in the political decision-making process at local, regional and national levels. It is based on actual experiences from NGOs across Europe sharing their good practices and methods for engaging with public authorities. It aims to be an interactive, be action-oriented instrument and that it is useful for NGOs as well as public authorities across Europe.

To meet the principal policy objective and to ensure its relevance and practical applicability, the Code of Good Practice for Civil Participation acknowledges two interconnected dimensions:

- Firstly, levels of participation, sorted in the order of increasing intensity, from simple provision of information to consultation, dialogue and finally partnership between NGOs and public authorities.
- Secondly, the steps in the political decision-making process, namely the six steps taken by public authorities from agenda setting through implementation to monitoring and reformulation.

It also offers tools that may apply at any stage and that provide cross-cutting support to the process of participation. These elements are then combined to form a *matrix* of civil participation that provides a visual presentation of the inter-related nature of the process and guidance for decision makers and NGO activists for further enhancing civil participation.

The Conference of INGOs has also elaborated a strategy to raise awareness among the stakeholders and promote the participation of NGOs in decision-making through the

Code of Good Practice, which includes a video, an interactive website, a series of seminars for multipliers, a database with examples of good practices, etc.

The Code of Good Practice will officially be presented in Kyiv, during the session of the Forum for the Future of Democracy on 21-23 October 2009. The first event related to the Code of Good Practice is the international conference on Civil Participation in Europe, held in Ljubljana on 12-13 November 2009 organised jointly by the Conference of INGOs, the Slovenian Ministry for Public Administration and the Centre for Information, Co-operation and Development of NGOs (CNVOS).

Partnership	Work group or committee	Co-drafting	Joint decision-making Co-decision making	Strategic partnerships	Work groups or committee	Work groups or committee
Dialogue	Hearings and public forums Citizens' forums and future councils Key government contact	Hearings and Q&A panels Expert seminars Multi-stakeholder committees and advisory bodies	Open plenary or committee sessions	Capacity-building seminars Training seminars	Work groups or committee	Seminars and deliberative forums
Consultation	Petitioning Consultation online or other techniques	Hearings and Q&A panels Expert seminars Multi-stakeholder committees and advisory bodies	Open plenary or committee sessions	Events, conferences, forums, seminars	Feedback mechanisms	Conferences or meetings Online consultation
Information	Easy and open information access Research Campaigning and lobbying Website for key documents	Open and free access to policy documents Website for key documents Campaigns and lobbying Web casts Research input	Campaigning and lobbying	Open access to information Website for information access E-mail alerts FAQ Public tendering procedures	Open access to information Evidence gathering Evaluations Research studies	Open access to information
Levels of participation						
Steps in the political decision making process	Agenda setting	Drafting	Decision	Implementation	Monitoring	Reformulation

2.

Local and, where established, regional democracy is one of the building blocks of democracy in Council of Europe's member States. It is built on the principles of the European Charter of Local Self-Government, citizen participation in public life at local level (whose main tenets are now embedded in the draft additional protocol to the ECLSG) and good democratic governance at local and regional level.

Proclaiming these principles however is not enough. The establishment and functioning of effective local and regional self-government is more a continuous process than a state of affairs. In all member States, local and, where it exists, regional self-government is constantly evolving to meet the new challenges that public authorities are confronted with, be they social, economic, demographic or cultural.

The Council of Europe promotes the co-operation between its member states on issues of local and regional democracy, on the basis of the decisions taken at the Warsaw Summit of Heads of State and Government (May 2005) and in order to implement the Agenda for delivering good local and regional governance adopted by the European ministers responsible for local and regional government (Budapest, 2005; reviewed at Valencia, 2007; new Agenda to be adopted at Utrecht, November 2009).

I. **The intergovernmental co-operation** takes place within the European committee on local and regional democracy (CDLR) whose brief is to deal with the issues (soon to be) identified by the ministers at Utrecht, which cover the following fields: the institutional framework of local and regional government, local and regional authorities' resources and public services at local and regional level, citizen participation and public ethics at local level, crossborder and interterritorial co-operation between local authorities or communities. The purpose of the co-operation is to identify major challenges and issues, identify action that could be taken at European level in order to consolidate the European acquis (through new conventions, recommendations to member states, policy

guidelines, comparative reports), to promote the use of it, and to review critically its implementation, with a view to its being updated or supplemented as the case may be.

In the years 2008-2009, the intergovernmental work of the Council of Europe has led to the adoption by the Committee of Ministers of one recommendation¹ and two conventions² and the publication of seven major reports³.

II. In addition to constantly improving its acquis in the field of local and regional democracy in order to meet the challenges its member States face, **the Council of Europe provides assistance in the design and proper implementation of legislation and policy for local and regional government reforms.** Given its accumulated experience and know-how, the focus of the activities in the field of local and regional government is on:

- local/regional government structures, their powers and their operation;
- local finance, fiscal decentralisation and municipal property;

¹ Recommendation CM/Rec(2009)2 of the Committee of Ministers to member States on the evaluation, auditing and monitoring of participation and participation policies at local and regional level (11 March 2009).

² Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority [16 November 2009]; Protocol No 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euro-regional Co-operation Groupings [16 November 2009].

³ On: Recent developments in regional self-government in member states; The relationship between central and local authorities; Intermunicipal co-operation; Local authority competence; The funding of new responsibilities of local authorities; The degree of conformity of member states' policies with Council of Europe standards for local finances; Good practice in the relationship between local/regional authorities and the private sector ("public-private partnerships").

Strategic policy-making, intergovernmental relationships and institutional dialogue are cross-cutting issues.

So far, the geographical focus of the activities, in line with the guidelines adopted by the Committee of Ministers, is on South-Eastern Europe and the Southern Caucasus.

The Council of Europe attaches great importance to the establishment of effective synergetic partnerships with other international Organisations and other institutions that are active in member states and pursue objectives similar to those of the Council of Europe. In the field of local/ regional democracy, the Organisation for Security and Co-operation in Europe (OSCE) is a major partner and the Council of Europe has concluded a co-operation agreement with the OSCE - Democratization Department/Office for Democratic Institutions and Human Rights (ODIHR).

Within this framework, the two Organisations have joined efforts to encourage and support the implementation of the so-called “Zagreb-Skopje process”, i.e. the promotion of sound and democratic decentralisation in SEE countries, initiated originally in the framework of the Stability Pact for South Eastern Europe.

Since 2006, a annual co-ordination meeting is organised with the ODIHR and the OSCE field missions in South-Eastern Europe, to assess ongoing co-operation, exchange information on the respective country projects, discuss emerging issues and spot priorities for joint action.

The forthcoming annual co-ordination meeting (which will be held in Strasbourg early December 2009) will offer an opportunity to examine these issues further and also discuss how to build up a shared evaluation of developments in the field of decentralisation, promote demand-driven project design and help channelling donor support.

III. Another priority concern of the Council of Europe is the **reinforcement of the capacities of local self-government** to provide quality services to their inhabitants and more generally, to be managed in a way that is effective, transparent, and democratic.

Through its Centre of Expertise for Local Government, the Council of Europe puts at the disposal of local authorities a set of tools (from “national training strategies” for local authorities’ staff to training programmes on local finance, public ethics, performance management, etc. as well as “best practice” initiatives) that facilitate the implementation, at local level of (elements of) the instruments and acquis prepared by the Organisation.

IV. Through its **Strategy for innovation and Good Governance at local level**, endorsed by the Ministers in 2007 in Valencia and adopted by the Committee of Ministers in 2008, the Council of Europe promotes the adoption by local authorities across Europe, of the “twelve principles of good democratic governance” (see Appendix). Local authorities are encouraged, with the support of central/regional government and, if requested, the assistance of the Council of Europe, to commit themselves publicly to respecting the “twelve principles”, in order to secure their citizens good governance at local level.

The implementation of the Strategy is based on the assessment of the situation in respect of the twelve principles, the identification of possible changes to be made and measures to be adopted, the establishment of a partnership between central (regional) authorities and local authorities (their associations) with a view to promoting the implementation of the “right” policies at both central (regional) and local levels.

The Strategy has been adopted and is being implemented (country-wide or region-wide) in such states as Norway, Belgium, Bulgaria, Italy, the Netherlands and Ukraine and strong interest for its adoption has also been manifested in Austria, Slovakia, Romania and Hungary.

As part of the Strategy, a European Label will be awarded as from 2010 to the municipalities implementing (most of) the “twelve principles”. The criteria for the granting of the European label are currently being developed and will be tested in the first half of 2010.

So far, the Council of Europe has provided direct advice to individual states (or regions) so requesting. Its assistance and co-operation programmes as well as the Centre of Expertise for Local Government Reform are at the disposal of the states (and regions) with a view to delivering the legislative assistance, the exchange of information and practice and the provision of capacity-building programmes that suit their needs.

3.

The Forum for the Future of Democracy

The objective of the Forum for the Future of Democracy (FFD), established by the Third Summit of Heads of State and Government of the Council of Europe (Warsaw 2005), is to strengthen democracy, political freedoms and citizens' participation. After its first annual sessions in Warsaw and Moscow, the third session of the Forum was held in 2007 in Stockholm/Sigtuna, Sweden, on the theme "*Power and Empowerment – The interdependence of democracy and human rights*". The 2008 Session of the Council of Europe's Forum for the Future of Democracy (Madrid, 15–17 October 2008) was hosted by the Government of Spain and the City of Madrid on the theme of "*E-democracy: who dares?*". It addressed the opportunities and challenges of the use of Information and Communication Technologies (ICT) in democratic life.

The 2009 Forum session will take place in Kyiv, Ukraine, on 21-23 October, on the theme "*Electoral Systems*". In 2010, the Forum will be hosted by Armenia⁴.

Good Governance in the Information Society

The Good Governance in the Information Society Project focuses on how new information and communication technologies (ICT) affect the practice of democracy in Council of Europe member states. Its main aim is to provide governments and other

⁴More information is available at http://www.coe.int/t/dc/files/themes/forum_democratie/default_en.asp? and www.coe.int/democracy.

stakeholders with new instruments and practical tools in this field and to promote the application of existing instruments and of good and innovatory policy practice.

Recommendation on e-democracy

The [Recommendation on e-democracy](#) (CM/Rec(2009)1), prepared by the Council of Europe's Ad Hoc Committee on e-democracy (CAHDE) and adopted by the Committee of Ministers in February 2009, offers all European governments and other interested stakeholders substantial guidelines and principles when dealing with e-democracy. Alongside an explanatory memorandum, the Recommendation is accompanied by a number of practical tools⁵ providing practical information on using ICT for democratic processes.

In order to raise awareness about the potential of e-democracy, the Council of Europe has developed a portable exhibition on electronic democracy which has been shown since September 2009 at several events at the Council of Europe and elsewhere⁶, including at the 2009 Global Forum on Modern Direct Democracy (Seoul/South Korea, 13-16 September), organised by the Korea Democracy Foundation (KDF) and the Initiative and Referendum Institute Europe (IRIEurope).

As a follow-up to the Recommendation, the Council of Europe is currently exploring the scope of further conceptual and possibly normative work. Issues that are being considered include : (a) initiatives from the bottom upwards and how public authorities and international organisations can promote such initiatives and establish effective links between their activities and social networking applications; (b) the way in which e-consultations can facilitate the growing practice of public consultations, and (c) the regulatory dimension of e-democracy. Two years after the adoption of the recommendation (i.e. in 2011), an intergovernmental meeting will be held to review

⁵ http://www.coe.int/t/dgap/democracy/default_en.asp

⁶ The Council of Europe is keen to show this exhibition at events related to the discussion and promotion of democracy and good governance. Further information may be obtained from [ruth.goodwin\[at\]coe.int](mailto:ruth.goodwin@coe.int).

developments in the field of e-democracy and the application of the Recommendation in member states.

Regulatory action may also be taken in respect of internet governance. In this connection, in 2007 the Council of Europe, the United Nations Economic Commission for Europe (UNECE) and the Association for Progressive Communications (APC) launched a joint initiative in the framework of the UN Internet Governance Forum (IGF) on “Public Participation in Internet Governance”. The objective of this initiative is to propose a code of good practice on information and participation in internet governance that may be considered by major internet governance entities. It is planned to present a first draft of the code at the fourth annual IGF Meeting (15-18 November 2009, Sharm El Sheikh, Egypt).

Recommendation on e-voting

The Council of Europe recommendation on e-voting (CM/Rec(2004)11) has become the main international reference for ensuring democratic election standards when e-voting is used. The Council of Europe will continue to follow the development of e-voting in member states and encourage e-voting pilots and their evaluation.

The second biennial meeting to review developments in the field of e-voting and the application of Rec(2004)11 (Madrid, 16 October 2008) was organised in the context of the 2008 Session of the Forum for the Future of Democracy. At that meeting, the representatives of member states present agreed that the Recommendation on e-voting continues to be accurate and useful. At the same time, the participants felt that in the light of experiences and developments in the field of e-voting over the last four years, it might be appropriate to develop some additional commentaries on certain parts of the Recommendation. It was therefore agreed that the Secretariat should make an inventory of the topics which member states feel require more elaboration with a view to presenting the outcomes at the next biennial meeting in 2010. The participants also suggested that the issues of certification of e-voting systems as well as the observation of e-enabled elections should be the priority fields of the Council of Europe’s future work on e-voting.