

OSCE 2006 Human Dimension Implementation Meeting

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Contribution of the Council of Europe

General Information

In 1994, the Council of Europe established the Congress of Local and Regional Authorities of Europe as a consultative body to replace the former Standing Conference of Local and Regional Authorities set up in 1957. The Congress is divided into two chambers: the Chamber of Local Authorities and the Chamber of Regions. The two-chamber assembly comprises over 600 members, all of them elected representatives from over 200,000 local and regional authorities in the Council's forty-six member States. The Congress organises its work around four statutory committees dealing with institutional affairs; culture and education; sustainable development; social cohesion. Its Chief Executive is responsible for day-to-day management with the support of the Congress Secretariat drawn from the Council of Europe staff. The Congress provides a forum where local and regional elected representatives can discuss problems, pool their experience and express their views to governments as well as to the Committee of Ministers and the Parliamentary Assembly of the Council of Europe on all aspects of local and regional policy¹.

The Congress' main objectives include:

- promoting effective local and regional government structures in all Council of Europe member States, especially in the most recent democracies;
- examining the state of local and regional democracy in member and applicant states;
- developing initiatives to enable citizens to participate effectively in local and regional democracy;
- representing the interests of local and regional government in the shaping of European policy;
- encouraging regional and transfrontier co-operation for peace, tolerance and sustainable development;
- observing local and regional elections.

The Working Group of Local and Regional Representatives of South-East Europe supervises the activities organised by the Congress in connection with the Stability Pact for South Eastern Europe. It also promotes partnerships between cities and regions of South-East Europe and other European local and regional authorities.

¹ All relevant information on Congress' activities may be found on its website <http://www.coe.int/congress>

In the early 1990s, the Congress created the programme of Local Democracy Agencies (LDAs) to assist local authorities and communities in the former Yugoslavia through partnership arrangements with towns in Western Europe. Whereas initially the LDAs were concerned with aid in crisis situations, their action has henceforth focused more on democratic reforms and local development. Since 1999 the Association of Local Democracy Agencies (ALDA) has co-ordinated the network of LDAs, their partners and the members of the Association. In September 2006, the 12th LDA was set up in Kutaisi (Georgia), the first outside South-East Europe.

The Congress has initiated the establishment of the Network of Associations of Local Authorities of South-East Europe (NALAS), with the aim of developing their competences and capacities to provide services for their members and to represent them more efficiently vis-à-vis the central government.

In addition, the Congress has set up a European Network of Training Organisations for Local and Regional Authorities (ENTO). The ENTO network provides expert support and training for countries interested in exchanging managerial experience and technical skills.

A number of European treaties adopted by the Committee of Ministers were put forward by the Congress and now form the core framework for its activities:

- the European Charter of Local Self-Government (1985) which specifies that effective local self-government is essential to democracy. The Charter serves as a model for legislative reform in new democracies. Some states have already incorporated its principles into their constitutions;
- the European Outline Convention on Transfrontier Co-operation (1980) and its two Additional Protocols which recognise the right of local and regional authorities to co-operate across frontiers in providing public services and environmental protection;
- the European Convention on the Participation of Foreigners in Public Life at Local Level (1992) which puts forward the principle of progressively granting civil and political rights to foreign residents, including the right to vote;
- the European Charter for Regional or Minority Languages (1992) which is aimed at preserving regional and minority languages as a unique component of Europe's cultural heritage, extending their use in law, schools, in public, cultural, economic and social life, and in the media.

Monitoring Local and Regional Democracy in the Member States of the Council of Europe

In the course of 2005, the Congress has continued to carry out its programme of monitoring the state of local and regional democracy in the member States of the Council of Europe. This activity is undertaken in the form of country-by-country reports and general reports on the implementation of the principles of the European Charter of Local Self-Government.

On the basis of the country reports, and through the Committee of Ministers, the Congress regularly addresses recommendations to the member States (in 2005-2006 to Cyprus, Moldova, Turkey and Liechtenstein). This exercise has paved the way for constructive dialogue with the authorities of the member States. In the framework of this

process, the Ministers or their representatives responsible for local and regional authorities regularly attend Plenary Sessions of the Congress to report on the progress made by their countries to meet the recommendations of the Congress. High ranking governmental representatives from Sweden, Denmark, Luxembourg, Moldova, the Netherlands, Albania, Norway and Cyprus attended the 2005 Congress' autumn session and the 2006 Congress' plenary session.

To date, the situation of local and/or regional democracy in 40 countries² has been examined by the Congress.

Reports on the situation of local and/or regional democracy are currently in progress in the following countries: Slovak Republic, Albania, Bosnia and Herzegovina, Malta, "The former Yugoslav Republik of Macedonia".

In addition, in 2006, the Congress prepared a report on Good Governance in Metropolitan Areas as part of its programme of monitoring of the application of the European Charter of Local Self-government. Further reports on new forms of control over local authorities, the status of capital cities and inter-municipal cooperation as well as an opinion on compatibility of Norwegian legislation with the European Charter of local self-government are currently under preparation.

In 2004-2005, the Chamber of Regions for its part, organised colloquies on regionalisation and regional democracy in Greece and Slovakia.

The Congress reports also provide an input into the Parliamentary Assembly's activities when it prepares its reports on the commitments, based on the conclusions of the Congress Rapporteurs, regarding the situation of local and regional democracy in the countries in question.

The Congress reports also give the Committee of the Regions of the European Union insight into the changes taking place in local and regional democracy in the European Union members States.

The main general problems identified by the Congress throughout its monitoring process can be summarised as follows:

- there is doubt cast on the actual value of the public sphere in general, including the extent of the responsibilities exercised by local and regional authorities;
- there is also a discrepancy between official declarations of determination to implement the Charter and the actual application of the new legislative provisions;
- to a lesser extent, a number of countries supportive of the principles of liberal democracy are having obvious problems in making the requisite adjustments between newly elected local authorities and surviving devolved administrative structures, which in fact often operate at an intermediate level.

²Albania, Armenia, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Ireland, Latvia, Lithuania, Liechtenstein, Luxembourg, Malta, Moldova (3 reports), Norway, Poland, Portugal, Romania, Russian Federation (2 reports), San Marino, Serbia and Montenegro, Slovak Republic, Slovenia, Spain, Sweden, "The former Yugoslav Republic of Macedonia", Turkey, Ukraine (2 reports), United Kingdom.

A number of specific problems pinpointed by the Congress in a number of countries are related to:

- status of capital cities
- relations between State and local authorities
- competences of local and regional authorities
- local finances
- municipal ownership rights/local property
- consultation process/supervision of local authorities
- territorial reforms
- participation of citizens.

The Contribution of the Congress to the Electoral Process and Observation Missions

The specificity of the Congress in election observation is to observe local and/or regional election.

Congress observers are elected representatives themselves, with wide-ranging experience in election campaigns, managing municipal and regional affairs and continuously observing the rules of conduct pertaining to political parties.

Most Congress election observation missions are carried out in co-operation with other international organisations, in particular OSCE/ODHIR, ensuring consistency in the approach, methodology employed and findings by the two organizations. Since 2003, 12 out of 23 observation missions were organised in co-operation with OSCE/ODHIR; moreover, the upcoming local elections in Georgia will be observed in close co-operation.

Whilst ODIHR sends extensive teams of election experts to observe the entire electoral process before, during, and after election day - thus being in a position to provide detailed background information - the Congress is more likely to focus on political issues and questions of local democracy. The political experience of Congress observers provides a unique value to the in-depth technical insight into all elements of the electoral process offered by the ODIHR.

The Congress' reports and Recommendations on the observation of elections are discussed and adopted by the Congress. Strong efforts are currently being made to ensure their implementation (in particular, through the monitoring of local and regional democracy). These Recommendations are also forwarded to the Council of Europe's Committee of Ministers and Parliamentary Assembly, as well as to those national authorities concerned.

As of September 2005, the Congress has monitored local elections in: Armenia (September and October 2005), Russian Federation – Chechen Republic (November 2005), Moldova (November and December 2005), Palestinian Territories (December 2005), Ukraine (March 2006) as well as the Constitutional Referendum in Armenia (November 2005) and the Referendum on the status of the state in Montenegro (May 2006).

The Congress will observe the upcoming elections:

- Local elections in Georgia on 5 October 2006, in close co-operation with OSCE/ODIHR
- Repeat municipal elections in Azerbaijan on 6 October 2006.

The Congress is prepared to continue its co-operation with OSCE/ODHIR in election observation with the aim of ensuring consistency of findings among international observer organisations. The co-operation in the observance of local and/or regional elections could be institutionalised through a memorandum of understanding between the Congress and the OSCE .

Congress Activities in the Field of Citizenship and Political Rights

Local, or 'grass-root' democracy, which is central to the Congress' work, has been very important in the promotion of responsible citizenship and participation in public life. The Congress has thus always paid particular attention to certain categories of the population who often experience difficulties in exercising their political rights; for example, young people, the poor, minorities, migrants or foreign residents.

The Congress is convinced that citizen participation and their readiness to assume responsibilities in public affairs is closely dependent upon the state of local self-government in the country. Where local self-government is well developed and local authorities have real decision-making powers and sufficient means to carry out the tasks entrusted to them, citizens identify with their community.

In 1992, the Council of Europe adopted the Convention on the Participation of Foreigners in Public Life at Local Level, initially put forward by the Congress. Currently ratified by only 8 of the 46 Member States³, however, it clearly lacks publicity. Nevertheless, the European Union is already successfully implementing its principles for EU citizens residing in other EU member States.

As a follow-up to a conference organised on this issue in Stuttgart on 15-16 September 2003, the Congress adopted Recommendation 153 (2004) concerning the successful integration of foreigners at local level as well as improved recognition of the role of local authorities and increased support for their efforts in this respect. It has launched a Network of cities for co-operation on these issues and has published a draft Manual for local authorities on local consultative structures for foreigners as proposed by the Convention on Foreigners' Participation in Local Public Life.

On 11-12 September 2006 in Dublin, the Congress, in partnership with the City of Stuttgart and the European Foundation for the Improvement of Living and Working Conditions, launched a network of European Cities for Local Integration Policy (CLIP). The CLIP network, which will bring together circa 30 cities, will seek to evaluate local policy and practice as regards migrants in order to come up with responses based on the sharing and analyses of experiences. As a follow-up to the 4th Forum of Cities and Regions of South-East Europe (Priedor, 22-23 September 2003), the Congress adopted Recommendation 146 (2004) concerning the sustainable return of refugees and displaced persons in South-East Europe and the role of local and regional authorities in this respect. Several cities presented case studies addressing these problems and investigating possible solutions.

³ Albania, Denmark, Finland, Iceland, Italy, Netherlands, Norway, Sweden

The Congress also prepared a report on "Migration Flows in South-East Europe: the Role of Local and Regional Authorities", aimed at presenting case studies on policies and measures implemented by a number of towns and regions of South-East Europe to facilitate the integration of refugees and displaced persons, or the reintegration of returnees to their original place of residence (Recommendation 147 (2004)).

At present, the Congress is preparing a report on public participation in local affairs and elections which is expected to sum up Council of Europe member States' experience in this field and to produce a number of recommendations on the subject.

Declaration on the fight against trafficking

Since the end of the 1980s, trafficking in human beings has become one of the most serious problems world-wide as a result of the growing number of people, mainly women and children, who fall victim to these practices. No country is immune from this. The Council of Europe's response to this problem is the Convention on Action Against Trafficking, adopted by the Committee of Ministers on 3 May 2005, and the campaign against trafficking launched in 2006 under the slogan "Human-being – not for sale!".

The Congress is convinced that many problems related to trafficking are felt at local and regional level and this is why the Congress adopted two texts on this subject at its 2005 Plenary Session calling for "awareness-raising, education and specialised training", particularly as regards the protection, rehabilitation and reintegration of victims. As a concrete contribution to, and support of, the Council of Europe's 2006 campaign, the Congress took the initiative of preparing a Declaration on the fight against trafficking. This declaration, which was presented and opened for signature on 31 May 2006, during the Congress session, has been signed by the local elected representatives of 17 local authorities, who have thereby committed themselves to take a series of measures in their own communities. The Congress Declaration is now available for signature online at the Congress website.