

OSCE Human Dimension Implementation Meeting

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Working Session 16 “Democratic Institutions”

Contribution by the Council of Europe

Local and Regional Democracy

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 Additional Protocol to the ECLSG now entered into force¹) 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 accordance with the priorities agreed by the Committee of Ministers, namely human rights, democracy and the rule of law. The Ministers responsible for Local and Regional Government of member States, meeting in Kyiv on 3-4 November 2009, also adopted recommendations for further action in the Council of Europe, which the Committee of Ministers is presently considering with a view to giving new impetus to the intergovernmental cooperation in such areas as the consequences of economic downturn on local government, human rights at local level, good governance and trans-frontier cooperation.

I. **The intergovernmental co-operation** takes place within the European Committee on Local and Regional Democracy (CDLR) whose brief is to advise the Committee of Ministers, be the forum for exchanges of information, best practice and experience among member states and promote cross-border cooperation.

¹ 1 June 2012 in respect of Estonia, Finland, Hungary, Lithuania, Montenegro, Norway, Netherlands, Slovenia, Sweden.

In the most recent years, the intergovernmental work of the Council of Europe has led to the adoption by the Committee of Ministers of two recommendations² and two conventions³ and the publication of eight major reports⁴. In 2010-11, the work has focused on the consequences of the economic downturn on local governments and the responses to recession. At the 17th session of their Council of Europe Conference, the Ministers responsible for Local and Regional Government of the 47 member States adopted a declaration and made proposals to the Committee of Ministers for further action in selected fields⁵.

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,
- mechanisms of administrative supervision of local and regional government,
- legal status of local authorities' staff, human resources management.

The geographical focus of the activities, in line with the guidelines adopted by the Committee of Ministers, is on Ukraine, Moldova, South-Eastern Europe and the Southern Caucasus and selected "Arab Spring" countries. In late 2011 and 2012, substantial assistance was offered in particular to Ukraine and Serbia. Smaller-scale assistance was also offered to Armenia, Georgia and Moldova.

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

² 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) and Recommendation CM/Rec(2011)11 of the Committee of Ministers to member States on the funding by higher-level authorities of new competences for local authorities

³ 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).

⁴ On: Recent developments in regional self-government in member states; The relationship between central and local authorities; Intermunicipal co-operation; Local authority competences; 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"), Report on the impact of the Lisbon Treaty on the European Charter of Local Self-Government.

⁵ **To be downloaded at the following address :** <https://wcd.coe.int/ViewDoc.jsp?id=1852217&Site=DG1-CDLR&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679>

Europe. In the field of local and 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) aimed at streamlining and coordinating each Organisation's work on the promotion of sound and democratic decentralisation in SEE countries.

Annual co-ordination meetings with ODIHR and OSCE field missions in South-Eastern Europe enable regular assessment of ongoing co-operation, exchange of information on the respective country projects and discussion of emerging issues with a view to identifying opportunities for joint action.

A Regional Council of Europe-OSCE Seminar on Promoting Local Government Reform and Good Governance at Local Level was organized in Kyiv on 7-8 December 2011. Participants included senior local government and municipal officials dealing with financial management, fiscal decentralisation, public procurement, budget and integrity issues as well as representatives from ministries responsible for local and regional government from Ukraine, Moldova, Romania, Belarus, and Armenia. International experts, including from OSCE field operations in South-Eastern Europe, also took part.

III. Another priority 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 developed by the Organisation. Subject to resources, the Centre also helps local authorities and their associations to implement programmes based on its tools, ensuring quality control, expertise, supervision and sometimes general management.

In the last year, the Centre developed or finalised new toolkits, addressing issues which had been raised in the field during the activity implemented in previous years: leadership development (a new toolkit on the very successful Leadership Academy Programme, including training methodologies and support documents, was finalised), human resource management (a new toolkit finalised) and cross-border co-operation (toolkit prepared in co-operation with the Nordic Council).

In 2011 and 2012, the Centre had a high level of activities, as measured in terms of full programmes (29 and 30 respectively) and countries (18-20). Full description of the Centre's activities can be found in its annual reports (www.coe.int/local, follow Centre of Expertise – Advisory Board).

The Centre co-operates with many national (in particular local government associations, but also ministries) and international stakeholders. Very good in-field co-operation with OSCE was ensured in particular in Montenegro (in 2010-2011) and Albania (where OSCE was associated at all steps of the two programmes implemented by the Centre

and will continue to be involved in the future new programme which should start in September 2012). In Ukraine, where it implements a substantial capacity-building project composed of six different programmes, the Centre organised co-ordination meetings with partners, including OSCE.

The Centre was among the co-organisers, supporting NALAS in its International Conference on Good Governance which was held on 10 March 2011 in Sarajevo on the theme Local governments facing the future: Good governance, social inclusion and European integration.

Good working relations were established with the Office of the Coordinator of OSCE Economic and Environmental Activities in Vienna. A co-ordination meeting aimed at defining next co-operation activities in the field of good governance at local level with a particular look at local economic development and transparency to be implemented in 2012 took place in Vienna on 2 February 2011.

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 how the local authority conducts its affairs 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 in Bulgaria, the Netherlands and Norway. Steps are being taken in Austria, Belgium, France, Hungary, Spain and Ukraine with a view to raising awareness action at local level and creating the conditions for formal accession to the Strategy and its procedure for granting the European Label of Governance Excellence (ELoGE) to the municipalities implementing the “Twelve principles”. So far, municipalities have been awarded the Label in Bulgaria and Norway.

The Council of Europe 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 legislative assistance, the exchange of information and practice and the provision of capacity-building programmes that suit their needs.