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Working Session 11 “Humanitarian issues and other commitments”
Contribution by the Council of Europe

General Information

Since its creation in the present form in 1994, the Congress of Local and Regional Authorities has been acting as the only European body tasked with monitoring of the state of local and regional democracy and the development of territorial self-government in the 47 Council of Europe member States. It is composed of two chambers: the Chamber of Local Authorities and the Chamber of Regions. The two-chamber assembly comprises 636 members, all of them elected representatives from over 200,000 local and regional communities in the Council's member States.

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 Secretary General, elected by the Congress, is the Head of the Secretariat

With the aim to increase the impact of its actions, the Congress adopted in October 2010 its priorities 2011-2012 and modified its structure and working methods. It organises its work now around three statutory committees: the Monitoring Committee, the Governance Committee and the Current Affairs Committee.

The Congress' main objectives include:

- monitoring and assessing the state and development of local and regional democracy in Council of Europe member states, including through observation of local and regional elections;
- promoting effective local and regional self-government and improving governance of communities;
- developing initiatives to enable and encourage citizens to participate actively in local and regional democracy;
- representing the interests of local and regional governments in the shaping of European policy;
- promoting interregional and transfrontier co-operation for sustainable development, in order to achieve a better territorial cohesion between communities.

As part of its reform process, the Congress decided to include the local and regional dimension of human rights among its priorities.

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

Promoting decentralisation of power in Europe

Monitoring the situation of local and regional democracy is the core mission of the Congress. Starting from the mid-1990s, the Congress has successfully put in place a system of political monitoring of the application of the principles of the European Charter of Local Self Government.

In accordance with the Committee of Ministers Statutory Resolution, the Congress prepares country-by-country reports on a regular basis on the situation of local and regional democracy in all the Council of Europe's member states and monitors local implementation of the European Charter of Local Self-Government. This political mechanism is designed to observe if States comply with the Charter's provisions and what should be done to improve the state of local democracy.

On the basis of the country reports, and through the Committee of Ministers, the Congress regularly addresses recommendations to the member states. This exercise has paved the way for constructive dialogue with the authorities of member States, and has contributed to make the Charter more effective. In the framework of this process, the Ministers or the 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.

To date, the situation of local and/or regional democracy in 44 countries² has been examined by the Congress. Since 1995, the Congress has fielded some 100 monitoring missions and produced some 60 reports with recommendations to the Committee of Ministers of the Council of Europe and national governments.

The Congress reports are also a source of information for the Parliamentary Assembly 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. In addition, Congress reports 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 member States.

Amongst the most common problems identified by Congress throughout its monitoring process, we can mention the following:

- the extent of the responsibilities exercised by local and regional authorities and in this light, the delegation of powers and local finances;
- the insufficient local financing, e.g. one of the trends of the recent years has been the disproportional allocation of financial burdens among the central and local governments;
- the lack of clear delimitation of competences, including shared competences;
- the discrepancy between official declarations of determination to implement the Charter of Local Self-Government and the actual application of new legislative provisions;
- the lack of adjustments between elected local authorities and surviving devolved administrative structures;
- the dynamic of territorial reforms;
- ineffective coordination mechanisms in central/local governments (consultation process) and the supervision of local authorities;
- the status of capital cities

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

not least, the lack of frameworks for or instruments of citizen participation in the conduct of public affairs.

As part of its reform process, the Congress decided to expand its monitoring activities and to introduce post-monitoring assistance programmes to address, in co-operation with national and territorial authorities, the shortcomings and concerns identified in its monitoring reports and recommendations. It was decided that every country should be monitored at least once every five years.

This change meant a substantial increase in the budgetary allocation for monitoring. For 2011, the Congress has planned nine monitoring missions. Visits were carried out to France, Bosnia-Herzegovina, Lithuania, the Czech Republic, Germany and Moldova Italy, Portugal and “the Ex-Yugoslav Republic of Macedonia”.

Alongside monitoring, it is also a crucial objective for the Congress to encourage human rights awareness at local and regional level, with particular focus on data collection with a view to producing five-yearly comparative reports on human rights at local and regional level in member States.

Observing local and regional elections

Free and fair local and regional elections are essential for the development of local democracy. The unique role of the Congress in observing local and regional elections is specifically recognised in the Statutory Resolution and the Charter of the Congress, adopted by the Committee of Ministers of the Council of Europe in May 2007.

Since 1990, the Congress has observed more than 100 local and regional elections in response to requests from various countries. In June 2010, the Congress Standing Committee adopted a strategy and rules for the observation of local and regional elections, containing guidelines for organising election observation missions and drafting the ensuing reports, resolutions and recommendations, as well as a code of conduct to create a clear framework for the mode of action of Congress observers.

The strategy reaffirmed that observation of local and regional elections is complementary to the Congress’ monitoring activities, and should not be limited only to certain countries. Nor can election observation be limited to the polling day alone, as it is impossible to make an accurate assessment of the situation and the conduct of the election by only observing voting on Election Day.

To ensure a better follow-up to the recommendations and resolutions that arise from the observation of local and regional elections, the Congress decided to put in place a post-observation assistance procedure with the focus on:

- mandating relevant Congress bodies with the supervision of the implementation of recommendations and resolutions arising from observation reports; during the post-election supervision process, concrete action should be taken by the country concerned in accordance with the recommendations within a specified time period of no longer than two years;
- organising specific co-operation programmes to address the major issues that have been raised during the election observation mission; such programmes should involve local and regional representatives and governmental bodies from countries concerned as well as other European countries willing to share their acquis and expertise on local and regional democracy.

The observation of elections, as part of the overall mechanism for monitoring local and regional democracy, entails closer co-operation with other Council of Europe bodies involved in the

electoral monitoring. In this regard, the Congress has been strengthening its dialogue with the Venice Commission and the Parliamentary Assembly, in particular, through its participation in the Council for Democratic Elections. Many Congress election observation missions are also carried out in close coordination with other international partners, notably with the OSCE/ODHIR.

In 2010-2011, the Congress observed local elections in Georgia, Ukraine, Albania and in Moldova. In December 2010, a political assessment mission to Gagauzia was carried out for the election of the Governor of this autonomous region of Moldova. In September 2011, the Congress deployed a team to assess the local elections in Norway, in particular the test on e-voting in 10 Norwegian communities. The elections on 30 May 2010 in Georgia were of particular interest for the Congress because for the first time they included the direct election of the Mayor of the capital city Tbilisi. The main source of concern for the Congress observers, who carried out the visit to Ukraine in October 2010, was the Law on local elections which had been adopted just before the elections. Both Reports on election observation missions carried out by the Congress in Albania and in Moldova will be adopted at the 21 Plenary Session in October 2011.

Awareness-raising to foster responsible citizenship

The European Local Democracy Week (ELDW) was launched for the first time in October 2007 in Valencia, Spain, by the Ministers responsible for Local and Regional Government. 2010, the fourth year of the ELDW, widened the scope for new and ambitious programmes and activities and the “12-Star City” status was introduced for municipalities showing active commitment to the Week and wishing to give special prominence to their participation in it.

For the 2011 edition of the Week “Human Rights at local level” was chosen as the leading theme because they are an essential part of local democracy. Many rights and freedoms are not just the duty of central governments but are also implemented at local level.

The ELDW is an annual event to increase the knowledge of local democratic institutions and processes amongst citizens, and to strengthen the links between populations and their local representatives. It is the week to learn more about grassroots politics in Europe. Against this background, the main messages of the European Local Democracy Week can be described as follows:

- ***to raise European citizens’ awareness of local democracy in order to increase their involvement in local politics;***
- ***to encourage local elected representatives to enhance the dialogue with their citizens to invigorate local public life;***
- ***to raise European citizens’ awareness about the role of the Council of Europe and of the Congress in particular, in boosting local democracy and respect of human rights across Europe.***

Creating and enlarging territorial networks

In the early 1990s, the Congress opened in South-East Europe a number of Local Democracy Agencies (LDAs) to assist local authorities and communities in the former Yugoslavia through partnership arrangements with towns in Western Europe. Initially the LDAs were concerned with aid in crisis situations; their action has since 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 partner towns and cities and the members of the Association. In September 2006, the 12th LDA was opened in Kutaisi (Georgia), the first outside South-East Europe. In October 2008, a new LDA was opened in Shkoder, Albania.

The Congress was also instrumental in the establishment of the Network of Associations of Local Authorities of South-East Europe (NALAS). This network aims to develop the competences and capacities of the Associations to provide services for their members and to represent them more efficiently vis-à-vis the central government.

In addition, the Congress launched two Euroregions around the semi-closed European seas: the Adriatic Euroregion, which became operational in 2006, and the Black Sea Euroregion, established in September 2008.

In an effort to ensure proper training for local and regional elected representatives and their staff, the Congress 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.

Major achievements – incentive and obligation for future Congress action

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

- the European Charter of Local Self-Government (1985) which lays down the principles of effective local self-government as an essential component of democracy. The Charter, which is the core international treaty for local democracy, has been ratified by 45 member states, some of which have incorporated its principles into their constitutions. In November 2009, the Charter was supplemented with its Additional Protocol on the right of citizens to participate in the affairs of a local authority;
- the European Outline Convention on Transfrontier Co-operation (1980) and its three Additional Protocols which recognise the right of local and regional authorities to co-operate across frontiers in providing public services and environmental protection. The third Additional Protocol, opened for signature in November 2009, makes it easier to create Euroregional groupings between EU and non-EU countries;
- 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.