



## **OSCE 2009 Human Dimension Implementation Meeting**

**Warsaw, 28 September – 9 October 2009**

**Working Session 17 “Democratic institutions”**

**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 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 forty-seven member States. The Congress organises its work around four statutory committees dealing with: institutional affairs; culture and education; sustainable development; social cohesion. Its Secretary General 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 policy<sup>1</sup>.

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 government 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.

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

## **Promoting decentralisation of power in Europe**

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. 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 42 countries<sup>2</sup> has been examined by the Congress.

In recent years, the Congress has also gradually adopted a new specially targeted form of monitoring, the so-called fact-finding missions. They allow for a rapid response to concrete problems arising in the sphere of territorial self-government in a specific member State. On this basis, the Congress can investigate promptly and take a clear stand on a particular issue.

Monitoring and fact-finding have been at the heart of the Congress' action in 2008 and 2009, during which general monitoring of local and/or regional democracy has been carried out for Croatia, Greece and Turkey. Fact-finding missions have been organised to Turkey, Latvia, Belgium and Portugal. These missions have been followed by recommendations addressed to the authorities of the States concerned. Currently, a monitoring procedure is in place for Switzerland and Iceland, with recommendations expected to be adopted in early 2010.

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.

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<sup>2</sup>Albania, 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, Monaco, Netherlands Norway, Poland, Portugal, Romania, Russian Federation, San Marino, former Serbia and Montenegro, Slovak Republic, Slovenia, Spain, Sweden, "The former Yugoslav Republic of Macedonia", Turkey, Ukraine, United Kingdom.

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.

The main 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 of Local Self-Government and the actual application of 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.

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.

### **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 almost 70 local and regional elections in response to requests from various countries. In an effort to consolidate its experience in monitoring territorial democracy in Europe, the Congress has taken major steps to improve its expertise in observing local and regional elections following the adoption of its new Charter.

Since June 2007, the Congress has conducted 14 missions to observe 11 different elections. It continued to develop measures aimed at ensuring that due attention is devoted to local and regional elections by national authorities and guaranteeing an adequate follow-up to its observation missions. In addition to its detailed observation reports, the Congress now adopts election observation recommendations, which are addressed to national authorities, and resolutions which are addressed to its internal bodies.

The Congress continued to raise awareness of the importance of local and regional democracy by ensuring that elections are given a high profile and are taken into consideration by all the parties concerned and, in particular, by the media. Co-operation has also been stepped up with other organisations taking part in election observation missions, in particular the EU Committee of the Regions and national associations of local and regional authorities. In accordance with the 2005 cooperation agreement, Congress elections observation missions regularly include members of the EU Committee of the Regions, and the Congress took part in training sessions on the monitoring of local and regional elections, organised by the Committee in Brussels in January 2007 and April 2008.

In March 2007, the Congress Standing Committee adopted a resolution on co-operation between the Congress and national associations of local and regional authorities in observing elections, inviting them to send their representatives for participation in Congress election observation missions.

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 reinforced 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 a resolution adopted in December 2008, the Congress decided to elaborate guidelines on observation of local and regional elections, aimed at consolidating its experience in monitoring territorial democracy.

In 2008, the Congress observed two rounds of elections to the People's Assembly in Gagauzia (Moldova), on 16 and 30 March; two rounds of local and provincial elections in Serbia, on 11 and 25 May; municipal elections in Armenia, on 28 September, and in Bosnia and Herzegovina, on 5 October; elections to the Supreme Council of Adjara (Georgia), on 3 November; as well as, for the first time, municipal elections in Israel, on 11 November. In addition, the Congress observed, also for the first time, the electronic voting procedure in partial use in municipal elections in Finland, on 26 October.

In 2009, the Congress observed local elections in "The former Yugoslav Republic of Macedonia", on 22 March, and the first-ever elections of the Mayor of Yerevan, Armenia, on 31 May. During its Autumn meeting, the Congress Bureau will decide on the observation of municipal elections in Azerbaijan, scheduled for December, and on regional elections in Slovakia, scheduled for 14 November. There will be further deliberations about a possible involvement of the Congress in the observation of local elections in Kosovo, scheduled for 15 November.

### **Awareness raising to foster responsible citizenship**

Launched for the first time in October 2007 in Valencia, Spain, by the Ministers responsible for Local and Regional Government, the European Local Democracy Week (ELDW) was actively promoted in 33 European countries in the following year. More than 750 municipalities reported specific activities, such as visits to local democracy

institutions, school debates or migrant voters' campaigns. There were four European cities nominated as "Pilot Cities" – Madrid, Varna, Odessa and Brussels-Capital Region.

In 2009, the global crisis was proclaimed as the leading theme of the ELDW. Municipalities were encouraged to develop ideas to respond to current challenges by introducing innovative labour policies, financial programmes or new technologies. Ten municipalities acted as "Pilot Cities", amongst them Strasbourg, Salford and the Finlyandskiy municipal district of St. Petersburg.

2010, the fourth year of the ELDW, will widen the scope for new and ambitious programmes and activities. Municipalities can already express their interest now.

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 - which is a joint initiative of the Congress and the European Committee on Local and Regional Democracy - can be described as follows:

- ***To raise the awareness of European citizens of the democratic workings in their communities*** – to inform them of the functioning of local authorities, show them how to take part in the decision-making at local level and make them excited about participating in local affairs.
- ***To raise the awareness of local councillors and their staff of citizens' needs and concerns*** – to help them to meet citizens in an informal and entertaining setting.
- ***To stress that local democracy is one of the major components for building a united and democratic Europe***; to inform the general public and elected representatives about the Council of Europe's role in this field.

### **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 44 member states, some of which have 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.