

OSCE 2012 Human Dimension Implementation Meeting

Warsaw, 24 September to 5 October 2012

**Working Session 16 “Democratic institutions – Democracy at the national,
regional and local levels”**

Contribution by the Congress of Local and Regional Authorities

General Information

The Congress of Local and Regional Authorities - created in the present form in 1994 - is the only European institution tasked with the monitoring of the situation of local and regional democracy in the 47 Council of Europe member states, by assessing the application of the European Charter of Local Self-Government, adopted in 1985. In complementarity to this process, the Congress was given the mandate to observe local and regional elections by the Council of Europe Committee of Ministers.

Through its monitoring activities, the Congress contributes, at territorial level, to the strengthening of Council of Europe core values, democracy and human rights. As part of its reform process, the Congress decided to highlight the local and regional dimension of human rights. Designed to help motivate authorities to design and implement systematic human rights improvements at the grassroots level, the Congress's human rights indicators will serve as a concrete tool to evaluate the situation in a given area. As the largest assembly of local and regional elected representatives in Europe, the Congress aims to strengthen respect for human rights and local democracy throughout the cities and regions of Europe.

Reinforcing the political dialogue with Council of Europe member states and with national authorities is also at the centre of the Congress's in-depth reform process which was agreed two years ago. With the aim of increasing the impact of its actions, the Congress has modified its structure and streamlined working methods. In the new spirit of co-operation and complementarity, the Congress has started, in collaboration with member countries, to design targeted grassroots partnership programmes to complement national action.

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 member states. It organises its work around three statutory committees: the Monitoring Committee, the Governance Committee and the Current Affairs Committee.

The Congress's main objectives include:

- to ensure the participation of local and regional authorities in the implementation of the ideal of European unity;
- to submit proposals to the Committee of Ministers of the Council of Europe in order to promote local and regional democracy and to provide consultancy for the Committee of Ministers and the Parliamentary Assembly in territorial affairs;

- to foster co-operation between local and regional authorities;
 - to work in close co-operation with national and European associations of local and regional authorities, with European organisations and notably with the EU-Committee of the Regions;
- to prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member states and ensure that the principles of the Charter of Local Self-Government are implemented;
- to prepare reports and recommendations following the observation of local and regional elections.

Advancing local and regional democracy in Europe

In 2010, new rules on monitoring procedures were adopted as part of the Congress reform package. In order to improve the quality of its monitoring, the Congress decided to:

- make the monitoring of member countries more regular (every 5 years) and systematic;
- in this context, raise awareness of the human rights dimension;
- provide a stricter framework concerning the mode of appointment and the guarantee of impartiality of the Rapporteur, and
- introduce targeted post-monitoring assistance, based on co-operation with national and territorial authorities to address the shortcomings and matters of concern identified during the monitoring.

By 2011, the Congress had almost completed the first monitoring cycle of the 45 member states which had ratified the European Charter of Local Self-Government. All in all, some 85 reports have been produced since 1995, when the process began. For 2012, the monitoring programme includes 10 missions (Albania, Azerbaijan, Denmark, Georgia, Hungary, Ireland, Italy (second visit), Spain (two visits) and Ukraine (first visit)).

Important issues identified by the Congress throughout its monitoring process can be summarised as follows:

- the extent of the responsibilities exercised by local and regional authorities and in this light, the delegation of powers and local finances;
- 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;
- the consultation process and the supervision of local authorities;
- the status of capital cities
- not least, the participation of citizens.

By a more frequent and systematic monitoring, the Congress aims to strengthen the dialogue with the country concerned and improve the implementation of its recommendations in order to advance local and regional democracy. In addition, more frequent monitoring missions – approximately 12 per year – should allow the Congress to enlarge the scope of this activity in the future, from a country-focused perspective towards a more thematic perspective including issues of common interest, evaluation and benchmarking. By this comparative approach the Congress wants to further improve the quality of this core activity.

Observing local and regional elections

As part of its reform adopted two years ago, the Congress also designed a new policy aimed at improving the quality of its election observation and increasing its impact. The new policy covers

the whole electoral process as well as the conditions which are essential for genuinely democratic elections: the political system, the legal conditions, the role of the media, the election campaign, the financing of campaigns and parties as well as the post-election situation.

Since 1990, the Congress has observed more than 100 local and regional elections in response to invitations from the respective countries. Depending on the member states' election schedules, the Congress is invited to observe between three and five local/regional elections per year. The new strategy reaffirmed that election observation is complementary to the Congress's monitoring activities and also entails co-operation with other Council of Europe bodies, in particular the Venice Commission and the Parliamentary Assembly.

In the spirit of inter-institutional co-operation, many Congress observation missions are also carried out in close co-ordination with OSCE/ODIHR. A concrete example in this respect was the observation of local elections in Albania in May 2011, where the Congress and OSCE/ODIHR observers concluded that the elections had been competitive and transparent but characterised by the intense polarisation between the government and opposition parties. The initial conclusions of the observers from the Congress and OSCE/ODIHR following the local elections held in Moldova in June 2011, were that these elections had been conducted in democratic conditions conducive to a competitive campaign offering voters a genuine choice. However, progress has to be made with regard to several aspects, including accuracy of voters' lists, and campaign as well as party financing arrangements.

In May 2012, the Congress observed local elections in Serbia and the report resulting from this mission will be adopted at the next Congress Session in October. Two more observation missions to Armenia and Bosnia and Herzegovina are currently being prepared and carried out.

Furthermore, emphasis is placed on regular training sessions for members of Congress election observation delegations. This training is usually carried out in co-operation with the Congress's strategic partners in the field of election observation, notably the EU Committee of the Regions – members of which regularly reinforce Congress delegations on such missions - but also with national associations of local self-government.

Enhancing citizen participation to make for more inclusive communities

The European Local Democracy Week (ELDW) - which was launched in October 2007 in Valencia (Spain) by the European Ministers responsible for Local and Regional Government - is an annual event held to increase the knowledge of local democratic institutions and citizen involvement in local affairs.

2010 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.

The success of the 2011 edition of the European Local Democracy Week – which focused on "Human Rights at local level" – demonstrated that local authorities are interested in developing human rights concepts in exchange with their citizens. It also showed that awareness-raising activities on human rights at the grassroots can contribute to boosting social inclusion and solidarity in local communities. Therefore, for the 2012 edition (15 to 21 October), it was decided to further develop this concept and propose "Human Rights make for more inclusive communities" as the leading theme for the year.

The ELDW is the week to learn more about grassroots politics in Europe. The main messages of 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 affairs;

- to encourage local elected representatives to enhance dialogue with their citizens to invigorate local public life and improve accountability;
- to raise European citizens' awareness of the role of the Council of Europe and of the Congress in particular, in boosting local democracy and respect for human rights across Europe.

Fostering co-operation and partnership

Current political priorities of the Congress include activities in the field of targeted post-monitoring and follow-up to election observations. In order to achieve concrete results with respect to the implementation of recommendations made in the framework of monitoring and election observation missions, the Congress is proposing specific co-operation and partnership programmes to Council of Europe member states. The aim is not only to involve local and regional representatives of the states directly concerned but also those from other European countries who are willing to share their knowledge and expertise on a peer-to-peer basis.

With this in mind, the Congress contributed to different events in 2011 in Albania, in order to restore a climate of dialogue and co-operation between local elected representatives further to the local elections observed in May of the same year. Together with Council of Europe partners, the Congress developed a joint project 2012-2015 to strengthen good local and regional governance in Albania, which received funding by the Swiss Agency for Development and Co-operation and is about to be officially launched.

In addition, the Congress joined the Council of Europe Action Plan for Ukraine and for Armenia by adding to its local democracy component.

In the framework of the Council of Europe neighbourhood policy, the Congress is also enlarging its action to neighbouring non-member states through offering expertise and assistance, for example, to the authorities in Morocco in view of a new organic law on regionalisation and in the framework of the participation of some Moroccan cities in the European Week of Local Democracy. Activities are also feasible in respect of Tunisia. During a visit to Tunis carried out in March 2012, two main needs of the country were identified – emergency financial assistance for infrastructure and institutional support to establish the necessary conditions for the development of genuine democracy. Exchanges with the Tunisian Constituent Assembly have been organised as a follow-up.

Major Congress achievements – incentives for future action

The Congress has initiated or inspired a number of major Council of Europe texts and European norms and standards related to local and regional policies, amongst them:

- The European Charter of Local Self-Government (1985) and its Additional Protocol on Citizen Participation (2009).
- The European Reference Framework for Regional Democracy (2009).
- The European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (1980) and its 3 Protocols.
- The European Convention on the Participation of Foreigners in Public Life at Local Level (1992).
- The European Code of Conduct for the Political Integrity of Local and Regional Elected Representatives (1999).