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Working Session 1 “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 policy¹.

In 2009, the Congress launched a reform process aimed at refocusing its priorities and adapting its structures and working methods for greater impact of its action. As part of the process, new rules of procedure for monitoring and election observation were adopted in June 2010. The finalised reform package will be debated during the 19th Session of the Congress in October 2010.

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.

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

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

and regional level as part of its monitoring procedure. The final decision on the Congress' priorities is expected to be taken during the 19th Session in October 2010.

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. 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 43 countries² 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.

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.

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

²Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, 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.

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.

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, and that human rights implementation at local and regional level should be included in the monitoring exercise.

This change meant a substantial increase in the budgetary allocation for monitoring. In 2010, the Congress will have undertaken some 14 monitoring missions, compared to 5 in 2009. Monitoring visits were carried out to Austria, Estonia, Malta, Montenegro, Romania, the Russian Federation, Serbia and Turkey, and further missions are scheduled for Belgium, Bulgaria, Latvia, Finland, France and Slovenia.

The Congress has also revised its rules of procedure for monitoring and adopted the revised rules in June 2010.

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 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.

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 the EU Committee of the Regions, which is taking part in election observation missions of the Congress. The Congress continued to take part in training sessions on the monitoring of local and regional elections, organised by the Committee in Brussels first in 2007 and 2008, and most recently in April 2010.

To improve the quality of its election observation and increase its impact, the Congress decided to adopt a policy covering the whole electoral process as well as conditions which are key for the functioning of democracy and for genuinely democratic elections, which include in particular the political system of the country, the legal conditions, the role of the media, the election campaign and the post-election situation.

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 include as much as possible the whole electoral process in the country in its election observation exercise, the Congress decided in particular that all missions to observe local and regional elections shall be preceded by pre-electoral visits.

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, notably the Institutional Committee, 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 2009-2010, the Congress observed local elections in "the former Yugoslav Republic of Macedonia", on 22 March 2009; the first-ever elections of the Mayor of Yerevan, Armenia, on 31 May 2009; municipal elections in Azerbaijan, on 23 December 2009; and local elections in Georgia, on 30 May. The Congress will also observe local elections in Ukraine on 31 October 2010.

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. The leading theme of the 2010 edition is “The impact of sustainable communities in fighting climate change”. The “12-Star City” status was introduced in 2010 for municipalities showing active commitment to ELDW and wishing to give special prominence to their participation in it.

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. 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.