

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 3 October 2022

GT-BG(2022)10

**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE
(CDDG)**

**WORKING GROUP ON PRINCIPLES OF GOOD DEMOCRATIC GOVERNANCE
(GT-BG)**

REPORT OF THE 3rd MEETING

Strasbourg, 15-16 September 2022

Secretariat Memorandum
prepared by the
Directorate General of Democracy and Human Dignity
Democratic Governance Division

1. Opening of the meeting

The Chair, Mr Peter Andre (Austria), welcomed the members of the Working Group. The list of participants is set out in Appendix I.

2. Adoption of the agenda

The agenda was adopted as it appears in Appendix II.

3. Information by the Chair and the Secretariat

The Chair presented the agenda and together with the Secretariat, recalled the different stages of the work which had led to the draft Recommendation on principles of good democratic governance and the preparation of an explanatory memorandum following the informal working group meeting in June.

The Secretariat provided an update on recent developments, including the recent creation of a Council of Europe portal on elections to facilitate access to the various standard-setting, monitoring and cooperation activities conducted by Council of Europe bodies. A presentation on this initiative could be given at the 16th meeting.

4. Presentations by guest speakers, participants and observers

Ms Monika Kurian and Mr Jesper Johnson, from the OECD-SIGMA initiative (Support for Improvement in Governance and Management), gave a presentation about the current state of play regarding the process of updating the 2014 [Principles of Public Administration](#) which have been used to support reforms in EU-candidate countries. Together with a comprehensive set of principles, this framework is used for policy-making and monitoring of progress. It now needed to incorporate new *acquis* (e.g. on procurement) and new topical subject-matters (green administration, information technologies, integrity). The focus was on multi-level governance; the Council of Europe's 12 principles were taken into account. The revision process, including the drafting of new indicators, would be completed by 2023 and pilot assessments are planned for 2024 in the Western Balkans.

In the ensuing discussion, the participants discussed some of the similarities and differences in the approaches taken by the OECD and the Council of Europe. It was pointed out that the main purpose of the Council of Europe's recommendation was to safeguard the common values of democracy, human rights, and rule of law, through strengthening of democratic governance, as well as to secure outcomes for peace and prosperity on the continent. The main purpose of the OECD's principles was to build capacity for good public administration in order to enable candidate countries of the Western Balkans to join the EU. It was finally pointed out that the CDDG could be consulted on the draft updated OECD principles.

5. Drafting a Recommendation for the Committee of Ministers on Principles of good democratic governance

Following a brief presentation of the draft Recommendation resulting from discussions at the last GT-BG meeting by the Secretariat and the Council of Europe experts, the WG considered different parts of the text taking account of the written proposals from WG members sent after the last meeting.

Concerning the Preamble, the following proposals were made: to move some parts to the explanatory memorandum; to elaborate further on the significance of public governance; to refer to new challenges which require concerted and multilateral action (such as ITs, health, artificial intelligence, the environment and to list these in the explanatory memorandum); to recall the importance of multi-level governance (preferably in the explanatory report); to redraft the last paragraph; to add certain references e.g. to equality and fairness; and to review the list of Council of Europe bodies in paragraph seven to either keep it general or list all relevant bodies in the explanatory memorandum.

In relation to the operational part of the draft Recommendation, the Group agreed to move the first recommended action to the end of the Preamble and to adjust its wording; to reword the last paragraph ("to promote and follow the implementation") in line with language used for general task xi of the CDDG's terms of reference.

The Group also discussed some amendments to be made to the Appendix, for instance for the consistency of definitions in the beginning and for the wording of principle 5 – Accountability so as to reflect the recent Recommendation CM/Rec(2022)2 on democratic accountability of elected representatives and elected bodies at local and regional level.

6. Draft Explanatory Report

The Secretariat and the expert consultants presented the first version of a draft explanatory report. It was agreed that overall, the purpose of the memorandum should be to explain each part of the recommendation in more detail and to "tell a story" (in terms of how it should be written).

As regards the general structure, the Group agreed to include a table of contents to give swifter access to a given principle and to use boxes under the respective principles to sum-up the relevant additional elements (rather than compiling these in a table in appendix). The Group discussed a structure for the presentation of elements, criteria and explanations related to Principle 1 – Democratic participation - which would be used in a similar way for all the twelve principles.

The Group agreed that the bibliography would not need to be excessively long whilst the proposed structure was to be retained (general reference material followed by specific material for each principle) and it would need to focus on sources that could be seen as standards or guidance. The sources would be listed by order of importance (with legal instruments being mentioned first).

Various drafting suggestions across the different sections of the memorandum were also discussed and agreed upon by the Group. In particular, the report should explain the concepts of “good” and “democratic” governance in a manner that the former encompasses the latter and that therefore, there can be no form of governance that is good without being at the same time democratic. The memorandum should also explain how the operative part of the Recommendation works, what governments need to do for their own part and then in respect of other public institutions and tiers of government, including by means of “promotion” as stated in the Recommendation. A footnote would be added in order to accommodate the situation of certain federal states – like Belgium – where the federated entities have the main responsibility for implementing a recommendation of the Council of Europe and thus for taking action to mobilise State level institutions to do the same at federal level.

For the sake of consistency, some of the drafting should be more explicitly aligned on existing Council of Europe wording, for instance as regards marginalised groups, gender equality, elections (referring to material of the Venice Commission).

It was felt important to include a disclaimer that the Recommendation and its accompanying explanatory memorandum were not meant to provide a compilation of all relevant standards and material produced by the Council of Europe for each of the principles, especially as the Group had expressed a clear preference for documents that should not be too long and detailed, but should remain reader-friendly.

7. Other matters

None

8. Next steps, date and place of the next meeting

The revised draft Recommendation and its explanatory memorandum – to be prepared by 1 October - would be sent to the Group members for further review and drafting suggestions in writing. It would then be sent by 7 October to the Bureau for consideration at its 24th meeting (Paris, 13-14 October).

The Bureau would then recommend whether an additional on-line GT-BG meeting were to be organised.

The Group concurred that ideally both the draft recommendation and the memorandum should be submitted for adoption at the 16th plenary session (28-29 November).

APPENDIX I**LIST OF PARTICIPANTS****CHAIR / PRESIDENT**

Mr Peter ANDRE, Ministry of Interior, Senior Expert for Legal Affairs, Wien

BELGIUM / BELGIQUE

Mr Edwin LEFEBRE, Deputy Director, Ministry of the Flemish Community, Agency for Home Affairs, Brussels

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Mr Kristian MALINA, Ministerial Assistant Principal, Department of Coordination of Public Administration and International Relations Ministry of the Interior of the Czech Republic

FINLAND / FINLANDE

Apologised for absence / Excusé

GREECE / GRECE

Mr Georgios CHRYSAFIS, Directorate of Organising and Functioning of Local Government, Ministry of the Interior, Athens

Mr Kimon SIDIROPOULOS, Head of the Department of Organisation and Functioning of First Level of Local Government, Athens

ITALY / ITALIE

Mr Francesco GIUSTINO, Presidenza del Consiglio dei Ministri, Ufficio Attività Internazionali, Roma

MALTA / MALTE

Apologised for absence / Excusé

NORWAY / NORVEGE

Ms Sigrid STOKSTAD, Associate Professor in the Department of Public and International Law, Faculty of Law, University of Oslo

PORTUGAL

Apologised for absence / Excusé

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Ms Veronika LAKATOŠOVÁ, Local Self-Government and Foreign Affairs Unit, Department of Public Administration, Ministry of Interior of the Slovak Republic

UNITED KINGDOM / ROYAUME-UNI

Mr Paul ROWSELL, Head of Governance Reform and Democracy Unit, Department for Levelling Up, Housing and Communities, Local Government & Communities Directorate, Ministry of Housing, Communities and Local Government, LONDON

Ms Siobhan SMYTH, Senior Policy Adviser, Governance Reform and Democracy Unit, Ministry of Housing, Communities and Local Government, LONDON

Ms Kirsty BROWN, Governance Reform and Democracy Unit, Department for Levelling Up, Housing and Communities, Local Government & Communities Directorate, Ministry of Housing, Communities and Local Government, LONDON

PARTICIPANTS**CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE / CONGRES DES POUVOIRS LOCAUX ET REGIONAUX DU CONSEIL DE L'EUROPE**

Mr Roman CHLAPAK, Governance Committee / Commission de la Gouvernance

CONFERENCE OF INGOs OF THE COUNCIL OF EUROPE / CONFERENCE DES ONG DU CONSEIL DE L'EUROPE

Mr Christoph SPRENG, Representative of the INGOs Conference to the CDDG, Initiatives of Change-International

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT / ORGANISATION DE COOPERATION ET DE DEVELOPPEMENT ECONOMIQUES (OECD)

Mr Jesper JOHNSON, Senior Policy Advisor, Data and Measurement Lead, SIGMA

Ms Monika KURIAN, Senior Policy Advisor, Multi-level governance Lead, SIGMA

CONSULTANTS EXPERTS / EXPERTS CONSULTANTS

Mr Daniele DEL BIANCO, Director, Institute of International Sociology (ISIG), Gorizia, Italy

Ms Ramona VELEA, Deputy Director, Institute of International Sociology (ISIG), Gorizia, Italy

SECRETARIAT

Ms Claudia LUCIANI, Director of Human Dignity, Equality and Governance / Directorate General of Democracy and Human Dignity

Mr Daniel POPESCU, Head of Democracy and Governance Department / Directorate of Human Dignity, Equality and Governance / Directorate General of Democracy and Human Dignity

Ms Alina TATARENKO – Head of the Democratic Governance Division / Secretary of the CDDG / Directorate of Human Dignity, Equality and Governance / Directorate General of Democracy and Human Dignity

Mr Christophe SPECKBACHER, Administrator – Democratic Governance Division / Directorate of Human Dignity, Equality and Governance / Directorate General of Democracy and Human Dignity

Ms Judith ORLAND, Democratic Governance Division – Directorate of Human Dignity, Equality and Governance - Directorate General of Democracy and Human Dignity

Ms Isabelle ETTER, Assistant

APPENDIX II

AGENDA

1. **9.30 Opening of the meeting**
 2. **Adoption of the agenda** [GT-BG(2022)0J3]
 3. **Information by the Chair and the Secretariat**
 4. **10.00 Presentations by guest speakers, participants and observers**

Presentation on OECD/SIGMA's work on good public governance standards and measurement framework: Jesper Johnson, leader of SIGMA's data & measurement team and Monika Kurian, Senior policy adviser, Multi-level governance: local and regional governments

Questions and answers
- Coffee break**
5. **11.00-11.15 Drafting a recommendation for the Committee of Ministers on Principles of good democratic governance**

Presentation of the revised draft, following contributions and feedback at the second informal GT-BG meeting and the Bureau meeting of 5 Sept.: Daniele del Bianco and Ramona Velea (Institute of International Sociology - ISIG), Council of Europe experts

Comments from members of the working group on the structure and content of a draft recommendation
- Lunch break**
- 13.00-14.30**
- 14.30 (continuation of item 5)**

Coffee break **16.00-16.15**

6. 16.15 (or earlier if item 5 closed) Draft Explanatory Report

[GT-BG(2022)9]

Presentation of a preliminary draft explanatory memorandum based on a contribution by the ISIG experts

Comments from members of the working group on the structure and content of a draft explanatory memorandum. In particular on ways to deal with the criteria supporting the implementation of Principles, and linking these to existing reference documents

End of meeting day 1 **17.30**

Meeting day 2 **9.30 Resuming of work**
Continuation of item 6 - Draft Explanatory Report

Coffee break **11.15-11.30**
Continuation of item 6 - Draft Explanatory Report

Lunch break **13.00-14.30**
14.30 Continuation of item 6 - Draft Explanatory Report

Coffee break **16.00-16.15**
7. 16.15 Other matters

8. Next steps, date and place of the next meeting:

In case the Group agrees to holding an additional informal meeting before the 16th plenary (28-29 November), this could take place on-line, for instance on 5 October (p.m. CDDG Bureau meets on 13-14 October)

17.30 Close of the meeting