

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 182 (2005)¹ on public participation in local affairs and elections

The Congress, bearing in mind the proposal of the Chamber of Local Authorities,

1. Having regard to:

a. Article 2, paragraph 1, sub-paragraph *b* of Resolution (2000) 1 of the Committee of Ministers on the Congress of the Council of Europe, according to which one of the aims of the Congress is to submit proposals to the Committee of Ministers in order to promote local and regional democracy;

b. Article 2, paragraph 3, of that resolution, according to which the Congress shall ensure that the principles of the European Charter of Local Self-Government (hereafter “the Charter”) are implemented;

c. the explanatory report on public participation in local affairs and elections (CPL (12) 10 Part II);

2. The Congress notes that according to the Preamble to the Charter, “the right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all member states of the Council of Europe”, and “it is at local level that this right can be most directly exercised”;²

3. The Congress reaffirms its commitment to public participation in local affairs and elections and considers this a priority as part of the more general setting of the Council of Europe Action Plan adopted at the 3rd Summit of Heads of State and Government in Warsaw, which undertook to strengthen democracy, political freedoms and citizens’ participation through a Council of Europe Forum for the future of democracy in Europe;³

4. The Congress notes that representative democracy is the most egalitarian form of participation because it offers citizens a direct opportunity to influence the decision-making process via universal suffrage. Elected representatives’ legitimacy derives from the fact that they are elected and it is their democratic legitimacy that authorises them to take the final decisions. In this context, the Congress recalls that it has drawn up the “European code of conduct for local and regional elected representatives”, which lays down ethical standards for elected members and officials for which they are accountable to electors, including ones who did not vote for them, in order to strengthen confidence between local and regional politicians and ordinary citizens;

5. Since participation of citizens in elections, and of civil society in general, makes a major contribution to good governance and effective decision making, the Congress is convinced of the importance of providing the necessary basis for it, in terms of legislation, institutions and resources;

6. Firstly, the Congress emphasises the importance of avoiding low turnouts at elections, since citizen participation establishes elected members’ legitimacy. Turnout is therefore a key element of any democracy and a high turnout is a sign of its vitality;

7. The Congress therefore notes with regret that election turnout varies and that although there is a slight upward trend in certain countries, in most of them voter turnout is falling. Yet to be viable, democracy needs the support of an active electorate, which must be a matter of concern to governments and elected representatives;

8. To secure the legitimacy of these representatives, the Congress believes that steps should be taken to encourage citizen participation in elections and regrets that national governments seem to be making little effort to try out innovative methods of achieving this;

9. Secondly, the Congress notes that participation, which both stimulates democratic debate and allows civil society to monitor and exercise a healthy influence over the decision making process, is not simply confined to elections since a significant number of groups from civil society are actively involved in decision making;

10. It also notes that group participation is tending to rise, but that even where member states do grant civil society groups recognition, this takes widely differing and unequal forms;

11. It considers that however beneficial the influence exercised by such non-elected groups, they still require some form of legislative or institutional framework so as not to threaten the democratic legitimacy of decisions taken. Their participation should therefore be subject to democratic safeguards and institutional, financial and logistical resources to enable local authorities to channel that participation in an appropriate manner;

12. Effective and balanced interaction between elected representatives and civil society based on complementarity and co-operation will only be possible if a proper framework is established for group participation in decision making;

13. Bearing in mind the concerns expressed earlier, the Congress notes that although the majority of member states seem to be aware of and worried by the decline in voter turnout, local and national authorities need to make more effort to improve the situation;

14. Moreover, although greater use is being made of various forms of participation other than elections, it is still too early to assess their effectiveness;

15. Finally, it notes that participation rates rise in line with educational levels and socioeconomic status. Certain

member states have therefore introduced measures to encourage participation among the least involved segments of the population;

16. Having regard to the foregoing, the Congress recommends that the Committee of Ministers of the Council of Europe invite member states:

a. to encourage local authorities to grant recognition to and establish a framework for group participation;

b. to encourage local authorities to establish institutional arrangements to ensure that non-elected groups do not exercise unfair influence on local authority decision making, while still enabling them to be closely consulted by those authorities within a clearly defined framework (as is already the case in certain states, for example through consultative councils, citizens' assemblies, residents' committees, users' associations, foreign residents' consultative councils, citizens' forums and public inquiries);

c. to make more concerted efforts to stem the decline in citizen participation in member states where this threatens the legitimacy of local democracy, without prejudice to the right for secret vote of citizens (particularly through measures to encourage voter turnout at elections, such as more publicity for elections around polling time, developing postal, proxy and electronic voting, extending the opening hours of polling stations and making it easier for disabled persons to vote);

d. to take steps to encourage participation among less involved groups, such as women, young persons, and those who are less well educated or from a less economically prosperous background;

e. to come together to exchange and develop best practices;

f. to ensure that information about the opportunities for participation in local affairs and elections reaches the widest possible audience;

g. to recognise the importance of citizen participation through local referendums held in relation to any question concerning decisions taken, or likely to be taken, by a local authority or by national government and which have a direct effect on a local community, granting those local referendums advisory or statutory effects according to the constitutional traditions of each member country;

h. to ask the Congress to establish a handbook to make better use of and benchmarking, existing experience of the measures to raise citizens' participation in elections;

i. [that have not done so] to sign and ratify the 1992 Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144), this convention including, *inter alia*, a right for all foreign residents to vote and to stand for elections in local authority elections, having been lawful and habitual residents in the concerned country's territory for the five years preceding the elections;

j. to take steps to promote the revised European Charter on the Participation of Young People in Local and Regional Life.

17. The Congress recommends that the Council of Europe forum for the future of democracy devote a substantial part of its work to encouraging participation, including turnout at elections, and that the Congress be fully involved in its work.

1. Debated and approved by the Chamber of Local Authorities on 9 November 2005 and adopted by the Standing Committee of the Congress on 9 November 2005 (see Document CPL (12) 10, draft recommendation presented by A. Knape (Sweden, L, EPP/CD), rapporteur).

2. The Congress also draws attention to the following official texts:

- a.* the 1992 Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144) and the conclusions of the Stuttgart hearing of 14 December 2001 on "The participation of foreign residents in public life at local level – consultative bodies", CPL (9) 5 Part II and CG (7) 5 Part II;
 - b.* the revised European Charter on the Participation of Young People in Local and Regional Life, and Recommendation 128 (2003) on this charter;
 - c.* Protocol No. 1 to the European Convention on Human Rights, Article 3 of which embodies the right to free elections;
 - d.* Its Recommendations 153 (2004) on a pact for the integration and participation of people of immigrant origin in Europe's towns, cities and regions and 115 (2002) on the participation of foreign residents in local public life: consultative bodies;
 - e.* its Resolution 91 (2000) on responsible citizenship and participation in public life;
 - f.* Parliamentary Assembly Recommendations 1704 (2005) on referendums: towards good practice in Europe and 1714 (2005) on the abolition of restrictions on the right to vote;
 - g.* Committee of Ministers Recommendation Rec(2001)19 on the participation of citizens in local public life;
 - h.* Committee of Ministers Recommendation Rec(2004)13 on the participation of young people in local and regional life;
 - i.* The Council of Europe Green Paper on the Future of Democracy in Europe: Trends, Analyses and Reforms.
3. CM(2005)80 final, 17 May 2005.