

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 316 (2010)¹ Rights and duties of local and regional elected representatives: the risks of corruption

1. The Congress of Local and Regional Authorities of the Council of Europe reaffirms the importance of local and regional self-government and subsidiarity and expresses its satisfaction with the achievements accomplished so far in Europe in devolving power to local and regional administrators who are elected democratically.

2. Correspondingly the Congress is aware of the fact that new incumbencies and new powers involve new responsibilities and duties for local and regional politicians. In this respect the implementation of good methods of governance is of paramount importance for local and regional authorities, as they have to prove that they are ready to take up the challenges of decentralised democracy.

3. At present, municipalities in Europe manage an important part of public expenditure and also face serious problems related to economic crime. Nowadays regions, being more and more involved in the co-financing and management of European funds, are also directly exposed to corruption. Local and regional authorities should be aware of the new responsibilities they take on after acquiring new competencies.

4. For its part, the Congress believes that if public affairs are managed at local and regional level, this may not necessarily lead to higher corruption levels. By contrast, the higher the level of public scrutiny, the less “hidden business” can grow. Proximity allows citizens to see how, where and when public money is spent. It is necessary that European society remains healthy at grass-roots level and that the rule of law is upheld in local communities.

5. Mayors and governors should enjoy a high level of public confidence; this trust should represent a commitment to be involved for municipal and regional elected representatives. Eliminating corruption is not only a legal duty but also a way of improving governance at local and regional level.

6. Consequently, it is essential to promote ethical standards to be shared by all local and regional elected representatives. Local and regional councillors should be informed and aware of the conduct to adopt in the performance of their public duties.

7. Taking into account the results of the international conference on “Fighting corruption at local and regional level” (Messina, 6 May 2010), organised by the Congress, the

Committee of the Regions of the European Union and the Municipality of Messina, the Congress believes that the key elements for fighting corruption at local and regional level are the sharing of ethical values, respect of the rule of law and of the public interest, transparency and the involvement of citizens in the management of public welfare.

8. The Congress believes it is important to increase publicity with regard to all decisions concerning the performance of municipalities and regions. If the guiding principle in exercising public duties is transparency, this should mean that all decisions concerning the fulfilment of public duties should be made public.

9. The action of local and regional authorities should mainly be focused on preventive measures – designed to prevent any private interest in public duties – and on the introduction of efficient monitoring mechanisms. Public authorities have recently made significant inroads into the fight against financial crime and corruption: practical instruments, which have proved to be successful, should be used and extended to all areas exposed to a high risk of corruption.

10. The Congress supports the initiatives undertaken to eliminate the conditions that make corruption grow, such as the revision of public procurement procedures, the introduction of new systems for monitoring decision-making processes, the introduction of “integrity pacts” (applicable to local communities) and the creation of anti-corruption agencies at local and regional level. In addition, preventive measures, such as the possibility of submitting information about corruption anonymously, compulsory staff mobility in sensitive posts and risk analysis mechanisms, should be introduced at local and regional level.

11. Since the adoption of its European code of conduct for the political integrity of local and regional elected representatives in 1999, the Congress has been aware of the need for ethical guidelines which set out standards of conduct for local and regional politicians. These guidelines are also beneficial to citizens, who should be aware of the conduct they can expect from their elected representatives.

12. Recently, violations of ethical principles and corruption practices have evolved: new mechanisms for by-passing the law are being practised by both those who instigate corruption and those who are seduced by it. Consequently, the Congress wishes to promote a culture based on ethical values and new paths for guaranteeing the integrity of local and regional administrators with a view to counteracting corruption.

13. In the light of the above, the Congress decides to:

a. investigate ways of promoting the ethical behaviour and integrity of local and regional politicians, in co-operation with the intergovernmental bodies of the Council of Europe dealing with the matter at national level and the Committee of the Regions of the European Union;

b. launch activities (that is, seminars, training sessions and focus groups) for raising awareness, within local

communities and regions, of the importance of this ethical behaviour, thus helping local communities to counteract corruption and favouritism;

c. invite the Committee of the Regions of the European Union to work in synergy with Congress on these crucial issues, with a view to reinforcing the capacity of local and regional authorities to fulfil their mandate efficiently and transparently;

d. invite European local and regional authorities and their associations to give full support to the initiative of the Congress and take part in the steps to come.

1. Debated and adopted by the Congress on 28 October 2010, 3rd Sitting (see Document [CG\(19\)10](#), explanatory memorandum), rapporteur: D. Suica, Croatia (L, EPP/CD).