

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## **Opinion 27 (2007)<sup>1</sup> Capacity building at local level (preliminary draft recommendation prepared by the CDLR)**

The Congress,

1. Having regard to the request from the European Committee on Local and Regional Democracy (CDLR) for an opinion on the preliminary draft recommendation on capacity building at local level,

2. Subscribes overall to the principles set out in this preliminary draft recommendation;

3. Emphasises, none the less, that efforts by member states to develop the capacity of local authorities should not interfere with the principle of subsidiarity and local self-government;

4. Insists on the need for the spirit and the letter of the European Charter of Local Self-Government (ETS No. 122) to be fully respected and implemented;

5. Recalls that Article 3, paragraph 1 (“the right and the ability ... to regulate and manage a substantial share of public affairs under their own responsibility ...”) and Article 6 of the European Charter of Local Self-Government (“Appropriate administrative structures and resources for the tasks of local authorities”) require the systematic and ongoing development of the necessary capacities of elected representatives as well as of staff;

6. Refers in particular to Article 6, paragraph 2 of the European Charter of Local Self-Government concerning the conditions of service of local government employees which underlines the need for adequate training opportunities and career prospects;

7. Recommends that member states raise awareness of the necessity to improve capacity building at local level;

8. Recommends, furthermore, that information is circulated regarding the availability of international assistance for capacity building, in particular through the Council of Europe Centre of Expertise for Local Government Reform and through the Council of Europe Development Bank;

9. Reaffirms the need for a strategic and co-ordinated approach to capacity building, in particular through co-operation between central, regional and local governments and other stakeholders such as national associations of local authorities;

10. Emphasises the strategic role of the Council of Europe Centre of Expertise for Local Government Reform and of

the Congress itself, which is underlined by the “Council of Europe Strategy for Innovation and Good Governance at Local Level”;

11. Emphasises in this context the importance of structures such as the Network of Associations of Local Authorities of South-East Europe (NALAS), the European Network of Training Organisations for Local and Regional Authorities (ENTO) and the Association of Local Democracy Agencies (ALDA);

12. Reiterates that all capacity-building measures shall be aimed at strengthening local authorities and their compliance with the needs of their citizens;

13. Underlines the need for sufficient financial resources for training needs at local level;

14. Recommends in addition that capacity-building efforts should take into account the need to reduce possible disparities between countries of western Europe and those of central and eastern Europe.

### **Appendix**

#### **Steering committee on local and regional democracy (CDLR)**

#### **Preliminary draft recommendation on capacity building at local level**

Secretariat memorandum prepared by the Directorate General I – Legal Affairs

Directorate of Co-operation for Local and Regional Democracy

#### **Introduction**

Attached is the preliminary draft recommendation on capacity building at local level as prepared by the LR-FS Committee.

#### **Action required**

Members are invited to comment on the revised text with a view to finalising the text and sending it to the Congress for opinion.

#### **Preliminary draft recommendation on Capacity building at local level**

*NB: The changes introduced by the LR-FS Committee at its meeting on 16-17 October 2006 appear in italic*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

*Recalling that, in the Warsaw Declaration adopted on 16-17 May 2005 at their Third Summit, the Heads of State and Government of the Council of Europe declared that “effective democracy and good governance at all levels are essential for preventing conflicts, promoting stability, facilitating economic and social progress and hence for creating sustainable communities where people want to live and work, now and in the future”;*

*Also recalling that according to the said Declaration, this requires the active involvement of citizens and civil society;*

*Aware that the Warsaw Declaration calls on member States to “maintain and develop effective, transparent and accountable democratic institutions, responsive to the needs and aspirations of all”;*

Considering that the European Charter of local self-government provides that local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population;

Considering that in order to give effect to this provision local authorities need:

1. well-established legal and institutional frameworks and the attribution of “full and exclusive” competences in accordance with the provisions of the European Charter of Local Self-Government;
2. financial resources which, having regard to the Charter, should be “commensurate with the responsibilities provided for by the constitution and the law”; and
3. the capacity to deliver high quality local public services and to engage the population in its democratic functioning;

Considering that the capacity concerns in particular the necessary political leadership and qualified human resources, involving the community into local affairs and devising and applying appropriate strategic management methods, processes and good practices;

Considering that the capacity thus depends both on elected representatives and on the staff of local authorities;

Considering that absence or even the perception of the absence of such capacity in local authorities may contribute to reluctance to endow them with legal competences and resources and thus may hinder the full implementation of the principle of local self-government;

Considering that member States have a legitimate interest in local government capacity and its development;

Considering that efforts by member States governments to strengthen the capacity of local authorities should not interfere with democratic electoral processes nor impinge on the principle of local self-government;

Considering that the development of the capacity of local authorities may thus involve not only local authorities themselves, but also central government and regional government where they have responsibility for local government, as well as other actors at national and international level, including the associations of local authorities;

Considering that the institutional dialogue with associations of local authorities may play a very important role in the

development of the capacity of local authorities and that it should therefore meet parameters of effectiveness, transparency, accountability, representativeness and efficiency;

Considering that the Budapest Declaration on Delivering Good Local and Regional Governance adopted by the Conference of European ministers responsible for local and regional government at its 14th session in Budapest (Hungary) in February 2005 and subsequently endorsed by the Plan of Action adopted by the Third Summit of Heads of State and Government in Warsaw in May 2005 underlines the importance that is to be attached to the capacity of local government;

*Considering that pursuant to the Action Plan agreed on at the Warsaw Summit the Centre of Expertise on Local Government Reform was established with a particular focus on capacity building at local government level;*

Having regards to the lessons to be drawn from the programmes and activities implemented so far in a number of member states in the field of capacity building, which confirm the importance of capacity building policies for the sustainability and consolidation of local government and its democratic reform;

Considering that the Council of Europe’s intergovernmental acquis on local and regional democracy should explicitly recognise the importance of, and address to a greater extent local government capacity and its development;

Having consulted the Congress;

Recommends the governments of member state to:

1. recognise clearly:

*a.* the importance of local government capacity to deliver high quality local public services and to engage the population in its democratic functioning;

*b.* that the capacity of local government hinges essentially on the skills of elected representatives, the corporate management capacity of the organisation, the workforce capacity (its skills, recruitment and retention) and financial and project management skills;

*c.* the importance of developing this capacity further;

2. co-operate, where appropriate, with local authorities and other stakeholders including associations of local authorities in drawing up a strategic approach to the development of the capacity of local government which identifies the needs, devises concrete, practical and targeted programmes and makes arrangements for their implementation;

3. enable, encourage and where possible support local authorities and other stakeholders including local authorities’ associations in consultation and co-operation with each other and drawing on the strategic approach to:

– develop their role in strengthening local government capacity, both as concerns elected representatives as well as staff;

– draw up their own strategic plans for building up the capacities of local authorities to continually improve their leadership and strategic management, service provision, community participation and public ethics;

– establish the necessary structures, processes and capacities within their own organisation to research, plan fund, implement and evaluate capacity-building programmes for local and regional authorities;

– make best use of such capacity-building methodologies as training, peer review, benchmarking and the use of best-practices;

– make the best use of performance management techniques to drive up standards of service provision;

– draw on relevant parts of the Council of Europe’s acquis and tools, including notably Recommendation (2001) 19 on the Participation of Citizens in Local Public Life and the Handbook of Good Practices on Public Ethics at Local Level;

4. review, *where appropriate*,<sup>2</sup> with *relevant stakeholders, including, as the case may be, local authorities and/or their associations*, the conditions of service of local government employees with a view to ascertaining that they permit the recruitment of high-quality staff on the basis of merit and competence and that to this end adequate training

opportunities, remuneration and career prospects are provided;

5. share with other member States and international partners capacity building tools, the results and conclusions of the programmes implemented with them and to make the best possible use of this information;

6. encourage, where appropriate, international exchanges of experience between local authorities and other stakeholders including associations of local authorities;

7. to the extent that responsibility for local government is entrusted to other levels of government, encourage those levels to implement the measures envisaged in the paragraphs 1 to 5 above;

8. translate this recommendation into their official language(s) and actively disseminate it to all relevant parties, including local authorities and their associations.

1. Adopted by the Congress on 31 May 2007 (tacit adoption procedure, Rule 26 of the Congress Rules of Procedure, see Document CG(14)10OPINION, draft opinion, prepared by K. Whitmore (United Kingdom, R, ILDG), rapporteur).

2. Upon reviewing the text following the meeting it occurred to the Secretariat that the words “where appropriate” could give rise to confusion and that it might be better to say “to review”, where it is within their competence, with relevant stakeholder ...”.