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CONGRESS CONTRIBUTION TO THE

**SECOND SUMMIT
OF HEADS OF STATE AND GOVERNMENT
OF COUNCIL OF EUROPE MEMBER STATES
(Strasbourg, 10-11 October 1997)**

Rapporteur: Mr Haegi (Switzerland, R)

Explanatory memorandum

In October 1993, the first Summit of Heads of State and Government of Council of Europe Member States was held in Vienna. As the first event of its kind since the Council of Europe was set up, the Summit was part of the Council's enlargement process. One of the decisions taken was the establishment of the Congress of Local and Regional Authorities of Europe, which came into being in January 1994.

Since the Vienna Summit, eight more countries have joined the Council of Europe, bringing the total number of member states up to forty. Five other countries have also established contacts with the organisation with a view to possible accession in the future: Bosnia and Herzegovina, Armenia, Azerbaijan, Georgia and Belarus. Ukraine and the Russian Federation joined in 1995 and 1996 respectively, in two of the most important developments in the Council's history. The process of enlargement is now nearing completion and, in a few years' time, the Council of Europe really will be a pan-European organisation.

Since 1996, a number of leading figures, and in particular the President of the Parliamentary Assembly, Ms Leni Fischer, have been lobbying for the organisation of a second Council of Europe Summit. The Committee of Ministers endorsed the idea at its 99th meeting in November 1996, following the submission by the Parliamentary Assembly on 24 September 1996 of Recommendation 1303 (1996) containing a series of proposals concerning the Summit and its content.

Subsequently, at their 581st meeting (13-15 January 1997), the Ministers' Deputies adopted a reply to Parliamentary Assembly Recommendation 1303 (1996), stating, inter alia, that the French authorities had confirmed France's proposal to organise the second Summit of Heads of State and Government of the Council of Europe in Strasbourg on 10 and 11 October 1997.

The Committee of Ministers is expected to take decisions regarding the themes of the Summit at its 100th meeting, due to be held in Strasbourg on 5 and 6 May 1997. In their reply to the Assembly, the Ministers' Deputies did, however, already give a few hints on the possible themes of the Summit. For example, they drew attention to the central aims of the Council of Europe (pluralist democracy, the rule of law and respect for, and promotion of, human rights). Additional action would seem to be possible in areas where the Council possesses acknowledged expertise or the capacity for specific activities which could contribute to democratic security in Europe. The Deputies also indicated that institutional questions could be considered with a view to follow-up to the Summit and in the light of the decisions taken there. It would therefore seem that the institutional theme is not to be completely absent from the Summit agenda, but will receive some attention, if only to give impetus to future work. In addition, special attention should be given at the Summit to co-operation between the Council of Europe and other international organisations, particularly the OSCE and the European Union.

Like the Parliamentary Assembly and the Committee of Ministers, the CLRAE believes that, being on the point of becoming truly pan-European, the Council must assess the political and practical implications of its enlargement. A second Summit will enable the Heads of State and Government to give the organisation the impetus and support it needs to tackle the huge challenges facing it in this enlarged geographical context.

The Congress of Local and Regional Authorities of Europe wishes to assure the Parliamentary Assembly and the Committee of Ministers of its complete support for the Summit, and, in view of its strengthened position within the organisation since the Vienna Summit, intends making an active contribution to the event.

In particular, the CLRAE wishes to use this report to submit concrete proposals for the preparations for the Summit. The Congress also hopes that its President will be able to make an address.

In noting, as the Committee of Ministers did in its reply to Parliamentary Assembly Recommendation 1303 (1996), that the Summit of Council of Europe Heads of State and Government will take place after the European Union's Intergovernmental Conference (Amsterdam, 16-17 June 1997) and the NATO Summit (Madrid, 8-9 July 1997), the CLRAE would nevertheless underline that the Council of Europe Summit will take on particular significance because of the involvement of the Russian Federation and Ukraine. The Council of Europe is, in fact, the only genuinely European organisation in which these two countries participate on an equal footing with western countries. The opportunity must therefore be seized to consolidate the position and role of the enlarged Council of Europe in the new European architecture, while taking account of the outcome of the Summit of OSCE Heads of State and Government (Lisbon, 2-3 December 1996), given the two organisations' shared concern for security in Europe.

In the light of the reply by the Committee of Ministers to Parliamentary Assembly Recommendation 1303 (1996), the CLRAE's contribution focuses essentially on promoting pluralist democracy and democratic security in Europe through all the various contributions which local and regional democracy can make here, taking account of the CLRAE's expertise and capacity for specific activities in this area.

Accordingly, following consultation with all the national delegations on what should be included in the contribution and following discussion of the matter within the Bureau and the Standing Committee of the CLRAE, this report sets out the various ideas and proposals which the CLRAE wishes the Parliamentary Assembly and the Committee of Ministers to take into account in the preparations and the agenda for the Summit.

These proposals for the Summit discussions are grouped into the following three areas:

- **central aims of the Council of Europe;**
- **implementation of the Vienna Declaration and institutional questions;**
- **the image of the Council and co-operation with other international organisations.**

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I. Central aims of the Council of Europe

1.1 Human rights

While the Council of Europe clearly has a pre-eminent role among the organisations defending human rights, the members of the Congress believe that human rights should not merely be seen in their conventional sense, but should be extended to cover economic and social rights. The Council should therefore work to have the concept of human rights broadened to include, in particular, the right to work, gender equality, the fight against intolerance, health-related rights and environmental and cultural rights (heritage conservation, educational pluralism and the protection of minorities).

The members of the Congress also wish a firmer stance to be taken on human rights violations by member states. This is vital to the credibility of the Council, and its position in relation to other European organisations. The Council of Europe must not remain silent if its member states flout the values which they undertake to respect upon joining the organisation. Taking a firm stance in this area is the only way to promote the development of human rights, democracy and the rule of law throughout Europe.

It is time to show courage in monitoring the honouring of commitments entered into by member states upon accession to the Council and also to step up the measures taken to encourage them to comply. The Congress urges the Council of Europe to act with courage here.

Monitoring of the implementation of the international treaties which are the product of the Council's past activities, and monitoring of the honouring of accession commitments by the member states, should both form an integral part of the organisation's ongoing activities and should both be carried out in a more open manner. The Congress intends performing its role to the full here in its particular area of competence.

1.2 Local and regional self-government as a contribution to democratic security in Europe

The Congress wishes to put maximum effort into promoting European standards of local and regional democracy throughout our continent. It will continue and step up its efforts to promote decentralisation, the principle of subsidiarity and the principle of the separation of powers (local and central, deliberative and executive within the various tiers of government).

The Congress would like to mark the 50th anniversary of the Council by launching a major campaign to promote local and regional self-government, as well as respect for the principle of subsidiarity. A campaign of this kind would help strengthen democracy in Europe and foster recognition of the role of local and regional authorities in promoting peace and democratic security. It would involve ensuring that the aspirations of individual citizens were given greater weight at European level and that cohesion between local and regional authorities allowed for optimisation of their respective potential, implying respect for - and reaffirmation of - their identities combined with respect for the integrity of the relevant states. Lastly, it would also help to revive Europeans' participation in local, regional and national politics by raising their awareness of the challenges of democracy and of their rights and duties as citizens.

The Heads of State and Government should use the Summit as an opportunity to call for the effective implementation of the conventions on local and regional democracy and to encourage the drafting of other international instruments in this area. In the short term, they could give political support to this aspect of democracy by instructing the Council of Europe to proceed without delay with the preparation of a European Charter of Regional Self-Government based on the text drawn up by the Congress which is submitted to its IVth Plenary Session for adoption.

1.3 Co-operation between local and regional authorities

In the years ahead, the CLRAE will continue the work of the former Standing Conference of Local and Regional Authorities of Europe in promoting co-operation between European countries and regions, especially in fields of particular interest to local and regional authorities such as sustainable development at local level, water resource management and waste management and recycling. Activities here have acquired a new dimension following the enlargement of the Council. The CLRAE will therefore continue to organise conferences and gatherings of interest to local authorities in the new member states to enable them to benefit from the Council of Europe's experience in this area.

Moreover, in the field of decentralised transfrontier co-operation, the Congress will have to step up its efforts to promote the activities of associations, a "grassroots" approach to cultural identity, history learning, regional/spatial planning, rural development and environmental protection.

The CLRAE would also like co-operation between European local and regional authorities to become one of the pillars of the Council's activities. It hopes that the draft convention on interterritorial co-operation will be finalised at the earliest opportunity so that it can be ratified by the member states and then enter into force as soon as possible.

1.4 Assistance and exchanges of experience for central and east European countries

The Vienna Declaration clearly reasserted the political role of our organisation: "The Council of Europe is the pre-eminent European political institution capable of welcoming, on an equal footing and in permanent structures, the democracies of Europe freed from communist oppression".

Since 1989, the CLRAE has worked hard to develop co-operation and assistance activities in central and east European countries, in particular in the fields of the division of powers and electoral legislation. The members of the Congress believe that these CLRAE activities involving the provision of legal assistance concerning the organisation of local and regional government and the organisation and conduct of local and regional elections are of crucial importance not only in applicant countries but also, under certain circumstances, in existing member countries.

It goes without saying that the needs for the development of local and regional democracy in the countries which have recently joined the Council, in particular Russia and Ukraine, demand ambitious programmes far larger than those carried out in the past, and that the programmes concerned will have to continue for several more years.

Like some of their colleagues in the Parliamentary Assembly, some members of the Congress have suggested setting up a Council of Europe agency which would specialise in providing improved technical assistance and know-how for projects in the member states (along the lines of the United Nations Development Programme, UNDP, for example).

The amount of work done by the Congress in monitoring and helping to organise local and regional elections deserves greater political recognition within the Council. Like the monitoring of national elections, these activities are crucially important to democratic security. Increased human and financial resources should therefore be made available to facilitate logistical arrangements in the field during CLRAE election missions.

Co-operation and assistance activities in central and east European countries also demand efforts to promote the image of the Council of Europe in order to boost its impact on democratic progress in these countries, inter alia through effective monitoring of their development and, if necessary, measures to help put countries which take a wrong turn back on the road to democracy and human rights. Member states must demonstrate greater political courage and sensitivity in this respect.

The local democracy embassies (LDEs) have also shown what a great contribution they can make to interethnic dialogue, the development of civil society and democratic security in general. The programme must now be expanded in all areas where the LDEs can make such a contribution. A clear need therefore exists for increased human and financial resources and greater co-operation with the European Union.

1.5 Regional/spatial planning in Greater Europe

Among the "traditional" activities of the CLRAE and, indeed, of the Parliamentary Assembly, discussion of regional/spatial planning takes on a new dimension with forty member states. Provision will have to be made to step up and revitalise activity in this area to take account of the new challenges in terms of major rail, motorway, inland waterway and air transport links, as well as communications networks between western Europe and central and east European countries.

1.6 Challenges of the 21st century

As the year 2000 approaches, the members of the Congress would like the Council as a whole to engage in comprehensive reflection on the social model for the 21st century, including such aspects as education, the fight against crime and urban insecurity, the development of European solidarity based on economic co-operation and cultural ties, tolerance and freedom of expression, religious freedom and respect for democratic principles. Such reflection is needed in order to prevent situations of failure like Munich in 1938 or the break-up of Yugoslavia between 1991 and 1995 from recurring in Europe in future. It will also necessarily involve consideration of the challenges facing the Council of Europe, an organisation aiming to promote a multicultural approach, not only in its member States but also in the countries situated on the boundary between Europe and Asia, as well as those in the Mediterranean basin.

In this connection, the CLRAE welcomes the activities of the North-South Centre for Global Interdependence and Solidarity in Lisbon, as well as the establishment of institutionalised dialogue in a four-party framework involving governments, the Parliamentary Assembly, the CLRAE and civil society.

Sharing the concerns of the members of the Parliamentary Assembly about the development of a model for European society in the 21st century, the members of the Congress wish the Council of Europe to give close consideration to this issue, bearing in mind that the quality of life in communities large and small, the fight against marginalisation and exclusion and the defence of democracy are major challenges which demand constant vigilance and partnership with local and regional authorities who can work alongside governments in tackling these problems.

Recommendation 19 (1996) and Resolution 32 (1996), which the Congress adopted at its third session, called on the Committee of Ministers to examine the possibility of establishing an intersectorial Commission on the Town responsible for proposing and co-ordinating Council of Europe activities and programmes in the field of urban policies. The texts of Recommendation 19 and Resolution 32 list the sectors concerned by multidisciplinary action of this kind and suggest numerous lines of action in this area.

The CLRAE proposes that the IInd Summit should be the occasion for launching a multidisciplinary programme at the Council on "towns - places of democratic security". In particular, the activities could include drawing up an "inventory" of - and promoting - individual initiatives and good practices developed by local and regional authorities in order to improve the quality of life and the operation of democracy in Europe's towns and communities.

II. Implementation of the Vienna Declaration and institutional questions

The Congress believes that the decisions of the Vienna Summit must be implemented, particularly with regard to the revision of the Council's Statute, but also as regards clarification of the position of the Congress under the Statute and the associated implications, in particular the recognition of the Congress as a political organ of the organisation, alongside the Parliamentary Assembly.

In addition, the Congress Charter currently provides for the travel and subsistence expenses of delegates to the Congress to be covered by the Council of Europe's budget. With a view to solidarity between richer and poorer countries and between those which are closest to and furthest from the Council's headquarters, it is absolutely vital that this arrangement be retained in future.

III. Image of the Council and co-operation with other international organisations

Europe's citizens often see the European institutions as a veritable labyrinth. Compared to the European Union, the Council - the oldest European organisation - is still not well enough known and its work goes largely unnoticed. However, Europe is a much broader concept than the narrow popular image of a cake to be shared out. There is thus a need to restore the faith of Europe's citizens in the European project and to improve Europe's image again.

At the same time, the development of the European Union, with the admission of new members and the implementation of the Treaty of Maastricht, calls for a qualitative review of relations between the two organisations. The fact that certain countries such as the United States, Canada and Japan have obtained observer status at the Council of Europe should also encourage renewed consideration of the Council's role in the architecture of pan-European security.

The oldest of the European organisations should play its rightful role as determined by its current geographical dimensions, its assets and the objectives it has always pursued, showing the other European institutions the way in its areas of competence. It is the organisation best placed for gathering expert opinion and drawing up strategies for joint action, in particular in areas such as the defence of democracy, cultural diversity, environmental protection and sustainable development, with a view to promoting interaction between the various organisations.

The Congress also wishes to reiterate a proposal made to the Committee of Ministers on the occasion of the ceremony in Copenhagen in October 1995 to mark the 10th anniversary of the European Charter of Local Self-Government and repeated in Recommendation 18 (1996), namely the drafting of a Council of Europe "Magna Carta" which would reassert the basic principles of the Council's fundamental legal instruments and incorporate, in particular, the European Social Charter, the European Charter of Local Self-Government and the future European Charter of Regional Self-Government. This text should be drawn up in time to allow all the member states to subscribe to it on the occasion of the 50th anniversary of the Council as a sign of their commitment to the values our organisation defends.

"The Magna Carta of the Council of Europe on the rules of democracy and the rights of European citizens" should be a compendium of the Council's heritage of fundamental values, which would give Europe's citizens a clearer picture of its activities and role.

The Summit should also take stock of the activities of the Council of Europe and consider means of strengthening its information and publicity policies. The CLRAE can make a contribution here, as it is in direct contact with the elected representatives who are closest to the public. Furthermore, the CLRAE has been the initiator of a large number of the treaties drawn up within the organisation.

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In conclusion, the CLRAE reiterates its support for the organisation of the second Summit and underlines its desire to take an active part in the event. As a contribution to the preparations for the Summit, the Congress wishes to submit the following proposals to the Committee of Ministers:

1. *The Summit could provide the opportunity for recognising that local and regional democracy is an integral part of the fundamental values defended by the Council of Europe, namely pluralist democracy and the rule of law.*

Following the Vienna Summit, the position of the CLRAE within the Council of Europe was strengthened in recognition of the increased role of local and regional authorities in the member states. At the second Summit, the Heads of State and Government could take this development further by giving political impetus to **recognition of the principles set out in the European Charter of Local Self-Government (ETS No. 122) as an integral part of the fundamental values which the Council of Europe sets out to defend.**

The Summit participants could also **instruct the Committee of Ministers to begin work without delay on preparing a draft convention based on the draft European Charter of Regional Self-Government so that the 50th anniversary of the Council can be seized as an opportunity for opening the text for signature by the member states.**

Decentralisation and the strengthening of local and regional self-government are essential to the process of **democratic stabilisation** and to "democratic security in our continent". They help to maintain peace and security for Europe's citizens, while ensuring that their aspirations are taken into account and national unity is respected.

It should be noted here that the Committee of the Regions of the European Union is, for its part, lobbying for the inclusion in the revised Treaty on European Union of a reference to the European Charter of Local Self-Government. It would therefore seem appropriate for the organisation behind the Charter formally to recognise its commitment to the fundamental principles set out in the text. This idea ties in, to some extent, with the proposal to draft a "Magna Carta".

The second Summit could also recognise and strengthen the role of the CLRAE in carrying out its task of monitoring implementation of the European Charter of Local Self-Government. In this connection, it would have to be pointed out that the CLRAE's work in this area involves not only:

- the preparation of evaluation reports on the compliance of applicant states with European standards of local and regional democracy (these reports constitute the CLRAE's contribution to the procedure established by the Parliamentary Assembly and the Committee of Ministers), but also:
- periodic monitoring of the commitments made in this area by new member states,

- monitoring of preparations for, and the conduct of, local and regional elections in applicant countries and even, under some circumstances, in certain existing member countries,
- monitoring of the implementation of genuine parity local and regional democracy in new member countries and in applicant countries,
- promoting co-operation between local and regional authorities in the spirit of the Framework Convention on Transfrontier Co-operation between Territorial Communities or Authorities and of the draft Convention on Interterritorial Co-operation, as well as in the context of assistance and co-operation activities in central and east European states.

Finally, **local democracy embassies** should be more numerous and continue to be supported in the future in order to implement, via concrete actions in the field, the commitment of the Congress and the Council of Europe towards democracy, human rights and multiculturalism.

2. *The Summit could provide the opportunity for launching a multidisciplinary Council of Europe initiative on the theme of "Towns - Places of Democratic Security".*

Recommendation 19 (1996) and Resolution 32 (1996), which the Congress adopted at its third session, called on the Committee of Ministers to examine the possibility of establishing **an intersectoral Commission on the Town** responsible for proposing and co-ordinating Council of Europe activities and programmes in the field of urban policies. The texts of Recommendation 19 and Resolution 32 list the sectors concerned by multidisciplinary action of this kind and suggest numerous lines of action in this area, which could also include continuation of the activities in connection with the European Urban Charter.

Following the example of the plan of action against intolerance and racism, the Summit could provide an opportunity for instructing the Council of Europe to organise and launch a major multidisciplinary programme of activities on "**Towns - Places of Democratic Security**". This could involve drawing up an inventory of examples of good practices and policies implemented to improve the quality of life, sustainable development and the operation of democracy in towns throughout Europe, in particular with regard to the fight against crime and urban insecurity, efforts to combat exclusion and unemployment, the enhancement of Europe's cultural diversity, the promotion of citizen's participation and policies for migrants and minorities, etc.

3. *The Summit could provide an opportunity for boosting the Council's image throughout Europe and repositioning it in relation to other European institutions.*

The citizens in the member states are unfamiliar with the Council of Europe and very often only see the economic side of Europe. Yet it is clear that the challenges to be met by societies in the 21st century will not be confined to economic affairs alone. The fact that the United States, Canada and Japan wish to observe the work of our organisation speaks volumes in this respect.

The Council of Europe has produced over 160 international treaties since it was set up. Unfortunately, these are not well-known among Europe's citizens, even though many of the texts have a significant impact on their daily lives. It is therefore necessary to publicise the work of the Council of Europe more effectively, so that all of Europe's citizens recognise the importance of the values it defends.

At the same time, the Council of Europe has one very specific feature: it is the organisation which is best placed to define a **democratic social model for the 21st century** with all the elements which this entails, including the local and regional dimension. Capitalising on past activities and stepping up dialogue with Europe's citizens is the best means of fostering comprehensive reflection on 21st-century society.

The Summit should provide an opportunity for launching the drawing up of the **Magna carta of the Council of Europe** which would bring together the fundamental values and legal instruments of the Organisation as requested by the Congress in its Recommendation 18 (1996). The Summit should provide the impetus for preparing this text to mark the 50th anniversary of the Council of Europe, which should make it easier for Europe's citizens to identify with the values of the oldest European institution and help them understand the interaction between them.

Repositioning of the Council in relation to the other European institutions and the definition of an ambitious plan of action for its future work, placing particular emphasis on reflection on a social model for the 21st century and the quality of life in communities large and small, should allow the Council of Europe to recover the image it should rightfully enjoy in the media in all countries, thus enabling it to promote the vision of a Europe where the ideas that form the bonds of European cohesion and permit the harmonious development of the continent on the basis of human rights and pluralist democracy can flourish.

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Before, I close this report I should like to inform Congress members that Mr de Charette, Chairman in office of the Committee of Ministers of the Council of Europe, on the occasion of the 100th Session of the Committee of Ministers, on 5-6 May 1997, in Strasbourg, made three proposals concerning the main modern challenges (threat to Democracy and Human Rights) on which the Summit should focus, i.e. drug addiction, terrorism and bioethics (cloning of human beings). Those challenges meet preoccupations expressed by the Congress as regards quality of life and democratic security in towns.