

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 249 (2008)¹ Electronic democracy and deliberative consultation on urban projects

1. Democratic requirements and public participation are the focus of current political debate. Public authorities are having to address public disengagement from politics and a crisis of confidence in politicians and political institutions at national, regional and local level. This is reflected in low turnout at elections, a rise in extremism and declining civic commitment.

2. The Congress of Local and Regional Authorities of the Council of Europe believes that this trend can be reversed by improved governance practices, in particular greater transparency in decision-making processes, supervision of democratic institutions, strengthened participation and better access to information.

3. The Congress reaffirms its conviction that the key aspect of electronic democracy or cyberdemocracy is the improvement of decision-making processes and the application of the principle of participation. This is in line with the European Charter of Local Self-Government (ETS No. 122) which considers that “the right of citizens to participate in the conduct of public affairs is one of the democratic principles shared by all member States of the Council of Europe”. The United Nations Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) also affirms this principle and the right to information, particularly with regard to environmental issues.

4. The digital revolution confronts our societies with far-reaching and unprecedented changes. Information and communication technologies (ICTs) offer new ways to reach the public, to mobilise different groups and to make contact with particular sections of the population, for example young people. They enable citizens to have their voices heard individually and collectively; they are an asset for rebuilding political and democratic processes.

5. Local authorities have a vital part to play in extending the use of ICTs and need to consider all their possibilities, in particular with a view to improving consultation and dialogue with the public about projects to transform their local communities and the environments they live in. The authorities should seek innovative solutions to foster new and experimental public debate procedures prior to decisions being made.

6. The Congress believes that territorial development and planning decisions should involve all civil society and that deliberative consultation enables public authorities to perform their duties and take decisions with full knowledge of

the arguments. To this end, there must be a transparent dialogue process in which people’s views are heard before undertaking major projects.

7. In this respect, e-democracy is particularly useful, whether used to ascertain opinions, for public enquiries, less formal types of consultation or merely the provision of information. These interactive tools can be used in all phases of drawing up public policies and urban projects.

8. Cyberdemocracy calls for new ways of defining and understanding public services. By providing full and clear information about their public policies and projects, local authorities can, on the one hand, modernise their practices and their administrative bodies while, on the other hand, restoring confidence and dialogue between the public, the elected representatives and administrative bodies.

9. The use of electronic communication tools can help in explaining all dimensions of urban planning. It requires complex projects and ideas to be formulated more clearly, makes information more accessible and more transparent and introduces the public to areas which are often the preserve of specialists.

10. The Congress believes that wide public participation can meet the needs both of the smallest communities and of metropolitan areas. While e-participation offers new opportunities for dialogue, it must nevertheless be part of a more conventional process of participation so as to satisfy all expectations and limit exclusion. In this respect, the authorities should develop Internet access, particularly for disadvantaged and geographically isolated groups.

11. Local authorities also need to implement online methods for democratic participation which do not undermine representative democracy and do not result in particular groups being over-represented but which enable citizens to take part in public debate on an individual basis. The quality of the relevant expertise should remain a benchmark feature of the participation process.

12. Comparison of the various experiences of e-democracy across Europe highlights the existence of political will and the acceptance of more transparent and democratic management among politicians themselves, important factors for the success of consultation processes on urban projects.

13. In the light of the above, the Congress calls on the Committee of Ministers of the Council of Europe to:

a. take full account of local and regional authorities’ extensive experience in electronic democracy and direct its attention to promoting the widespread implementation of e-democracy tools, particularly at the 4th Forum for the Future of Democracy (Madrid, October 2008);

b. invite the Ad hoc Committee on e-democracy (CAHDE) to draw up guidelines on electronic deliberative consultation which assert the spirit of openness of the participation process, the principle of transparency of decision making and administrative processes and the need to take into account complete decision-making cycles. These principles offer a pragmatic completion of the draft additional protocol to

the European Charter of Local Self-Government on citizen participation.

14. The Congress recommends that the Committee of Ministers of the Council of Europe call on member states to:

a. reinforce the legislative and regulatory framework for consultation and foster the improvement of decision-making processes, making it compulsory for all tiers of governance to involve the public in projects that affect them, in particular those relating to sustainable urban planning, spatial development and local infrastructure facilities;

b. conduct prior consultation processes at national level concerning national infrastructure and spatial planning projects, which foster new, electronic public debate procedures;

c. lead by example, create and regulate the conditions for the widespread use of the Internet and ICTs in public participation, by:

i. implementing a strategy for further development and improvement of e-democracy initiatives and tools so that they complement and interoperate with non-electronic forms of participation and democratic commitment;

ii. developing ICT infrastructure throughout their territory, in accordance with the principles of equality and continuity, with a view to increasing the attractiveness of the various regions and reducing inequality in Internet access;

iii. ensuring that transparent, high-quality, accessible, intelligible and accurate online information is provided so that the public are encouraged to take an interest in local public action and play a constructive part in shaping the future of their environments;

iv. considering using mediators who can identify, aggregate and explain relevant information;

v. ensuring that electronic signatures to validate contributions are reliable;

vi. fostering knowledge of ICTs, encouraging their use by all citizens and training officials from central and other tiers of government in information management and the potential of ICTs;

d. support local authorities in their e-participation trials and innovations and, in this respect:

i. provide the necessary information and data so that local and regional authorities can take decisions on sustainable urban planning with full knowledge of the facts;

ii. support fundamental and applied research on technology which facilitates the understanding and illustration of spatial planning issues (mapping, geodata, 3D urban modelling software, etc.).

15. The Congress also recommends that the Committee of Ministers of the Council of Europe invite the European Union to:

a. conduct the information society project in partnership with all tiers of governance and encourage access by local and regional authorities to the new framework programmes;

b. include the objectives of the Digital Local Agenda (EISCO 2007) in the framework of the European Commission's strategy for a European Information Society for growth and development (i2010), thereby ensuring that regions and municipalities play a central role in promoting the information society and e-inclusion throughout Europe.

1. Debated and approved by the Chamber of Local Authorities on 27 May 2008 and adopted by the Congress on 29 May 2008, 3rd Sitting (see Document CPL(15)3REC, draft recommendation presented by H. Himmelsbach (Germany, L, NR), rapporteur).