

40th anniversary of the Charter: “Local democracy can never be taken for granted,” says Council of Europe Congress

Set up in 1996, the Group of Independent Experts (GIE) on the European Charter of Local Self-Government provides the Congress of Local and Regional Authorities of the Council of Europe with legal assistance in its monitoring role and makes proposals that enhance its work. On Friday 19 September, a ceremony marked the 40th anniversary of the Charter, bringing together the GIE and several Congress members to reflect on the Charter’s past achievements and future prospects. Since 1985, this Treaty, ratified by the 46 member states of the Council of Europe, has enabled democracy to flourish at local level while strengthening the powers of local and regional authorities. However, after decades of progress, local democracy is increasingly being called into question and sometimes even seems to be in decline.

Alain Delcamp (France), the GIEs’ first president from its establishment until 2003, referred to the beginnings of the group, which was initially informal, in the aftermath of the fall of the communist regimes in central and eastern Europe: “we helped those countries to build local democracy from scratch, and to adopt European standards,” he recalled. “To that end, however, we had to act still more irreproachably than before, and that is how we played our part in building local democracy throughout the reunited continent, by giving it the means to stand up to central governments,” he said. His successor, Professor Francesco Merloni (Italy), who headed the group from 2003 to 2014, recalled the Group’s contribution to the application of the Charter in small states in order to call on the last three member states of the Council of Europe to ratify the Charter: Andorra, San Marino and Monaco. He also presented the tools implemented to enable the Congress to consolidate local democracy, in particular, the Charter monitoring mechanisms.

Local democracy strengthens democracy as a whole

Would their development or, for that matter, the Charter itself still be conceivable today? The GIE, like Congress members, is observing with some concern the return of more centralising tendencies in many countries, while noting general democratic backsliding throughout the world, combined with growing public indifference. Many young people share the belief that “authoritarian” regimes can be more successful than democracies. The Chair of the Congress Monitoring Committee, Thibaut Guignard, a member of the French delegation, understood the concern as a mayor but refused to see this as inevitable: while local democracy and democracy in general could never be taken for

granted, the local level was still the most popular level of government among citizens and played a key part in restoring their trust in politics. In his view, strengthening it would strengthen democracy as a whole.

The second panel at the meeting was more forward-looking and considered the future priorities of the Congress, above all, continued ratification of the additional protocol to the Charter on participation in the affairs of a local authority. According to Gobnait Ni Mhuimneacain, Deputy Head of the Irish delegation to the Congress, while the Charter had enshrined the principle of local democracy in daily life, the protocol would be vital for putting it into effect. She said it was unfortunate that only half the member states had ratified the protocol and added that, like a garden, “local democracy must be nurtured so that it flourishes.”

New areas of action for local democracy

In the GIE’s view, the future of local democracy depends on greater citizen participation and more inclusiveness, as well as expanding local powers in the area of the environment and involving young people more closely in decision-making and action.

The Congress has tools for putting these goals into effect. Firstly, drafting an additional protocol on the environment would complement the Charter in that area. Secondly, the monitoring procedures involving the Congress and states could be still more democratic and could involve more representatives of the local authorities concerned, thereby demonstrating its desire to “set an example” in terms of participation.

Lastly, as called for by several Congress members and youth delegates, boosting young people’s role in the work of the Congress would mean that their views were not just heard, but that more concrete action was taken in response. In addition, the Congress youth delegates were mostly students and perhaps their ranks should be expanded to include young people from other backgrounds.

Returning to the threats hanging over local democracy, an expert from the GIE expressed their outrage at the imprisonment this summer of the Turkish youth delegate to the Congress because of comments he had made during its last Congress session. This youth delegate has since been released but remains under judicial supervision. Another GIE member then testified to that same trend in their country, stressing how attacks on local democracy were sometimes the first signs of attacks on democracy as

a whole: “observing local democracy also means detecting such threats at an early stage,” was a point confirmed by several speakers.

While the Charter served as a “compass” for local democracy, compliance with it can serve as a “barometer” that predicts clear skies or storms ahead. Closing the discussions, the President of the GIE, Professor Angel M. Moreno (Spain), recommended that the Congress remain vigilant in the face of the threats to local democracy. It was unfortunate that the Charter was still not well enough known, including in Europe, when it was a pioneering legal text that was unique in the world and deserved to be extended to other countries like Brazil and Argentina. He called on the Group’s experts and Congress members to approach their national authorities to encourage them to ratify the additional protocol and withdraw as soon as possible the reservations made on certain articles at the time of ratification. Indeed, some of them had no longer been relevant for a long time and had remained in force unnecessarily. The President of the GIE proposed updating the contemporary commentary on the explanatory report of the Charter, as well as drawing up a list on local democracy that would make it possible to identify early warning signs of democratic backsliding at local and regional levels in member states. The Charter anniversary ceremony concluded with these new GIE work projects.