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## Partner for Local Democracy status

Bureau of the Congress

Rapporteurs:<sup>1</sup> Jean-Claude FRECON, France (L, SOC)

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### *Summary*

The political upheavals that have been taking place in the Arab world since 2011 have clearly shown the full relevance of the principles and values of the Council of Europe for its neighbours on the southern shores of the Mediterranean. In January 2012, the Council of Europe announced a new partnership with the European Union to strengthen democratic reform in the southern Mediterranean region. This co-operation is entirely governed by the principles and standards of the Council of Europe. The areas of co-operation with these countries are decided upon in accordance with the specific needs expressed by each of them, based on the shared values of human rights, the rule of law and democracy.

In this context, the creation of a new “partner for local democracy” status with the Congress, inspired by the “partner for democracy” status adopted in 2010 by the Parliamentary Assembly of the Council of Europe (PACE), will allow this kind of co-operation to be extended from the parliamentary level to that of local and/or regional authorities.

The “partner for local democracy” status will be granted upon a joint request by the government of the requesting state and one or more associations of local and/or elected representatives in that state. The request will be considered in the light of the commitment expressed by the authorities in question to uphold, respect and promote at all levels of government the values and principles of the Council of Europe, and their pledge, in particular, to initiate a process of devolution and/or regionalisation, based on the principles of the European Charter of Local Self-Government and/or the Council of Europe Reference Framework for Regional Democracy and to hold regular free and fair elections at local and/or regional level.

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1 L: Chamber of Local Authorities / R: Chamber of Regions

EPP/CCE: European People's Party Group in the Congress

SOC: Socialist Group

ILDG: Independent Liberal and Democratic Group

ECR: European Conservatives and Reformists Group

NR: Members not belonging to a political group of the Congress

## **RESOLUTION 376 (2014)<sup>2</sup>**

1. The changes which have been taking place since 2011 in the countries of the southern Mediterranean, particularly Tunisia and Morocco, have opened up historic opportunities for democratic development in the Arab world, including at local and/or regional level. The Congress has always expressed its wish to contribute to this process as part of the Council of Europe's neighbourhood policy, initiated at the Istanbul ministerial session in May 2011, in partnership with the European Union.

2. Further to the Istanbul decisions, the Council of Europe embarked upon bilateral co-operation with Morocco, Tunisia and Jordan, and the Congress began preparing and implementing specific activities in Morocco and Tunisia. These co-operation programmes and activities have been undertaken over a three-year period (2012-2014). In addition, Council of Europe Offices have been opened in Morocco and Tunisia, memoranda of understanding have been signed with the countries concerned, and existing contacts have been strengthened at all levels.

3. The Congress has played its part in the fresh impetus given to the co-operation activities with the countries on the southern shores of the Mediterranean, in particular in the context of its partnership with the Venice Commission and the Council of Europe's Directorate General of Democracy. The introduction of genuine local and/or regional democracy is a fundamental factor in the development and consolidation of genuine and pluralist democracy based on respect for human rights and the rule of law.

4. The Congress devoted a significant part of its 23<sup>rd</sup> Session in October 2012 to debating two reports which led to the adoption of Resolution 342 and Recommendation 325 on "The changes under way in the Arab countries – opportunities for local and regional democracy", and Resolution 343 "Policy of the Council of Europe towards neighbouring regions: the role of the Congress", which have since become a veritable "road map" for the Congress's activities in this field. They include a decision in principle to adopt, in due course, a "partner for local democracy" status for our neighbouring countries to the south and east.

5. Now that discussions are in progress between the Council of Europe and the countries concerned to renew/strengthen co-operation over a new three-year period (2015-2017), the time would appear to be right to create, in this new institutional framework, a "partner for local democracy" status which would formalise relations between the Congress and the political authorities in the neighbouring countries, including the local and regional authorities and their representative associations, based on what has been happening between the Parliamentary Assembly and the countries or entities which have been granted "partner for democracy" status, introduced in 2010 at parliamentary delegation level (Kyrgyzstan, Morocco, Palestine).

6. This "partner for local democracy status" supplements the other forms of participation in the work of the Congress already provided for in the Congress's Rules of Procedure.

7. A formal request to be granted "partner for local democracy status", addressed to the President of the Congress, must be drawn up jointly by the government of the requesting state and one or more associations of local and/or elected representatives in that state.

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<sup>2</sup> Debated and adopted by the Congress on 16 October 2014, 3rd Sitting (see Document CG(27)9FINAL explanatory memorandum), rapporteurs: Jean-Claude FRECON, France (L, SOC) and Marie-Madeleine MIALOT MULLER, France (R, SOC).

8. Upon receipt of the request, it will be forwarded for consideration to the Bureau of the Congress, which will adopt a position in the light of the information available on the existing state of relations between the country concerned and the Council of Europe. This will involve verifying whether the country in question is participating in the Council of Europe's neighbourhood policy, whether it implements joint action and/or a co-operation programme with the Organisation, whether it is a Party to the Council of Europe's open Conventions or enlarged partial agreements (in particular the Venice Commission and the North-South Centre) and whether it has partner for democracy status with the Parliamentary Assembly.

9. The formal request shall contain an explicit reference to the aspiration of the authorities concerned to uphold, respect and promote at all levels of government the values and principles of the Council of Europe, and a commitment to:

a. initiate a process of devolution and/or regionalisation, based on the principles of the European Charter of Local Self-Government and/or the Council of Europe Reference Framework for Regional Democracy;

b. hold regular free and fair elections at local and/or regional level in accordance with the relevant international standards and, as far as possible, observed by a delegation of elected members of the Congress;

c. on behalf of the elected representatives who would take part in the work of the Congress, base their activity on the principles of the European Code of Conduct for the political integrity of local and regional elected representatives;

d. inform the Congress, timely before the meeting of the Bureau preceding a renewal session, of the progress made and obstacles encountered, in connection with developments in the Council of Europe's neighbourhood policy.

10. Each request must be accompanied by details of the procedure specific to each country, stipulating the arrangements for consulting associations of local and/or regional associations in the process of appointing members of the delegation.

11. With regard to each "partner for local democracy" delegation:

a. the number of members will be laid down by the Congress based on the practice in place in the Parliamentary Assembly of the Council of Europe;

b. the composition of the delegation shall respect, as far as possible, the principles laid down in the Charter and the Congress's Rules of Procedure, including the provisions relating to a balanced gender representation and shall be updated, in accordance with the relevant procedures, at each renewal session of national delegations to the Congress;

c. the costs arising from the participation of the delegation will not be charged to the Congress's ordinary budget;

d. the forms and conditions of participation in the work of the Congress and of its chambers and committees will be specified by the Congress in its Rules of Procedure.

12. The decision to grant, suspend or withdraw partner for local democracy status shall be taken by the Congress in plenary session, on the basis of a draft resolution from the Bureau of the Congress together with, if appropriate, the opinion of one or more committees to which the Bureau may wish to refer the matter.

13. The Congress shall instruct its Bureau to draw up the relevant amendments to its Rules of Procedure in accordance with this resolution.

## EXPLANATORY MEMORANDUM

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### I. Introduction

1. The political upheavals that have been taking place in the Arab world since 2011 have clearly shown the full relevance of the principles and values of the Council of Europe for its neighbours on the southern shores of the Mediterranean. These events raise the fundamental questions of human rights, the rule of law and democracy, which lie at the very heart of the Council of Europe's mission. It was in this context that Morocco, Tunisia and Jordan expressed their interest in enhancing co-operation with the Council of Europe. Together priority areas of co-operation were identified and joint programmes of activities put in place.

2. Bearing in mind its long-standing relations with certain countries in North Africa and in the Middle East, in January 2012, the Council of Europe announced an entirely new partnership with the Council of Europe to strengthen democratic reform in the southern Mediterranean region.

3. Over the period 2012-2014, this partnership pursued four specific objectives:

*a.* To enhance the efficiency and independence of the judiciary by improving the performance of the courts and by facilitating judicial reform, using as a reference relevant Council of Europe standards.

*b.* To promote good governance through increased prevention of corruption and money laundering on the basis of the relevant Council of Europe standards, mechanisms and instruments, and to improve the basic framework for regional co-operation in this area.

*c.* To strengthen and protect human rights, in particular through the prevention and control of trafficking in human beings in line with the provisions of the Council of Europe Convention on Action Against Trafficking in Human Beings (CETS No.: 197) and other international standards.

*d.* To promote democratic values in the region, building on existing Council of Europe networks such as those developed by the North-South Centre, the Youth Directorate, the Pompidou Group, the Venice Commission and the Schools of Political Studies.

4. This co-operation is entirely governed by the principles and standards of the Council of Europe. The areas of co-operation with these countries are decided upon in accordance with the specific needs expressed by each of them, based on the shared values of human rights, the rule of law and democracy.

5. In this context, the "partner for democracy" status adopted in 2010 by the Parliamentary Assembly of the Council of Europe (PACE) provides a valuable institutional framework for the countries concerned.<sup>3</sup> The creation of a new "partner for local democracy" status with the Congress will build on this by extending it from the parliamentary level to that of local and/or regional authorities.

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<sup>3</sup> To date, this status has been granted to the parliaments of Morocco, Palestine and Kyrgyzstan. A request from the Jordanian parliament (September 2013) is currently under consideration.

## **II. The Council of Europe's neighbourhood policy**

6. The action plan adopted at the Warsaw Summit in May 2005 by the heads of state and government of the Council of Europe contains a commitment to encourage a new intercultural and inter-faith dialogue with neighbouring regions – the southern Mediterranean, the Middle East and Central Asia – based on respect for universal human rights.

7. The Council of Europe is an organisation based on the values and principles of democracy, human rights and the rule of law, and on all related standards. Its main achievement is its conventions, most of which are open to non-member states.

8. It is also necessary to underline the important role played by the enlarged partial agreements in the promotion of the Council of Europe's principles, especially the European Centre for Global Interdependence and Solidarity (North-South Centre) and the European Commission for Democracy through Law (Venice Commission).

9. As far as the Venice Commission is concerned, it should be noted that among its full members are several non-member states of the Council of Europe, including those in neighbouring regions (for example Algeria, Morocco, Kyrgyzstan and Tunisia). The members of the North-South Centre include Morocco and Cape Verde.

10. The Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group) has also developed co-operation with the neighbouring countries in the Mediterranean region. The MedNET Mediterranean network for co-operation on drugs and addictions (including alcohol and tobacco) has been in existence since 2006 to promote co-operation, exchange and two-way knowledge transfer between countries of the Mediterranean and European member countries of the Pompidou Group. Algeria, Lebanon, Morocco and Tunisia already participate in this network, and contacts have been established with Egypt.

11. The Council of Europe has initiated bilateral co-operation with Morocco, Tunisia and Jordan, and the Congress has begun preparing and implementing specific activities in Morocco and Tunisia. For example, Council of Europe Offices have been opened in Morocco and Tunisia, memoranda of understanding have been signed with the countries concerned and existing contacts have been strengthened at all levels.

12. In this context, it is worthwhile and timely to propose an institutional framework for enhancing co-operation with the governments and local and/or regional authorities in neighbouring countries, in order to promote dialogue on fundamental values and bring about appropriate progress and reform in the countries in question.

## **III. Congress co-operation at regional and local level and the new “partner for local democracy” status**

13. The Congress's co-operation activities in the countries of the Southern Mediterranean are part of the Council of Europe's policy towards neighbouring regions. They are a direct response to requests received from the countries concerned.

14. With regard to Morocco, the Congress is continuing to co-operate with the Moroccan authorities, especially following the passing in early July 2013 by parliament of the draft law laying down the principles of the geographical division of local government which should lead in practice to the new territorial organisation of the country.

15. The Congress has contributed to the debate on advanced regionalisation by providing its expertise to the Consultative Commission on Regionalisation since its creation in 2010 and through enhanced dialogue with Moroccan members of parliament and local authorities, especially at the PACE sessions in Strasbourg and at an exchange of views held on 11 July 2012.

16. The Moroccan authorities requested Council of Europe support in the setting up of the Association of Municipal Council Chairs, created on 27 May 2013. A joint proposal from the Congress and the Centre of Expertise on Local Government Reform was drawn up in May 2013: the Congress's contribution focuses on raising the awareness of local elected representatives about good governance and their role and responsibility in a context of wider autonomy, and on assistance in the development of the new association's activities.

17. Concerning Tunisia, in 2012 at various meetings and contact visits of the President and members of the Congress the Tunisian authorities expressed an interest in co-operation with the Council of Europe in the field of strengthening local democracy.

18. As the outcome result of fruitful co-operation between the Congress, the Venice Commission and the National Constituent Assembly on the drafting of the new Tunisian constitution, the Congress's comments on Chapter VII of the final draft concerning local authorities were included in the official comments of the Venice Commission, published on 17 July 2013 and were taken into account in the final version of the new constitution which entered into force in January 2014.

19. Following the promulgation of the new constitution of the Republic of Tunisia, on 10 February 2014 the Congress Bureau adopted a declaration welcoming the important step which this constitution represented for the development of democracy in the country. Congress President Herwig van Staa also reiterated that the Congress was ready to assist with the practical implementation of local government, which was now based on the principle of devolution and financial and administrative independence.

20. Local and regional democracy is enshrined in the text of the constitution, which provides that municipal and regional councils shall be elected through universal, free, direct, fair and transparent elections. The mechanisms of participatory democracy and the principles of open governance have also been incorporated. The principle of financial autonomy, the target of achieving a balance between local resources and local expenditure, and the state's undertaking to "guarantee women's representation in elected councils" have also been recognised.

21. In its Resolution 343 (2012), adopted in 2012, the Congress expressed its determination to give fresh impetus to the co-operation activities developed with the countries on the southern shores of the Mediterranean. The introduction of real local and regional democracy will undoubtedly be a precondition for the consolidation of genuine and pluralist democracy based on human rights and the rule of law.

22. The Congress devoted a significant part of its 23<sup>rd</sup> Session in October 2012 to debating two reports which led to the adoption of Resolution 342 and Recommendation 325 on "The changes under way in the Arab countries - opportunities for local and regional democracy", and Resolution 343, "Policy of the Council of Europe towards neighbouring regions: the role of the Congress", which have since become a veritable "road map" for the Congress's activities in this field.

23. The time is therefore right to create a new momentum in relations between the Congress and the political authorities of our neighbouring countries, including the local and regional authorities, in order to enhance co-operation and tighten links by creating a new "partner for local democracy" status with the Congress, following the example of the "partner for democracy" status devised by the Parliamentary Assembly in 2009 (Resolution 1680). So, this co-operation will have greater effectiveness, consistency and dynamism as it will take place in a context of regular institutional relations.

24. The decision to grant this status should be taken by the Congress in plenary session, on the basis of a request made jointly by the government of the country concerned and one (or more) association(s) representing the country's local and/or regional authorities.

25. Where functioning is concerned, the arrangements could be modelled on those generally applied in the Congress and the Council of Europe (number of members per country, participation in the work of committees, political pluralism, equal representation of women and men).

26. The Congress will use the criteria set out in paragraph 27 below to decide whether or not to grant this status to non-member states expressing an interest in obtaining it. It will also base its decision on an analysis of the relationship between the state concerned and the Council of Europe. In particular, it will involve verifying whether the country in question is participating in the Council of Europe's neighbourhood policy, whether it implements joint action and/or a co-operation programme with the Organisation, whether it is a Party to the Council of Europe's open Conventions or enlarged partial agreements (in particular the Venice Commission and the North-South Centre) and whether it has partner for democracy status with the PACE.

27. The formal request for "partner for local democracy" status, addressed to the President of the Congress and drawn up jointly by the government of the requesting state and one or more associations of local and/or elected representatives in that state, will be considered in the light of the aspiration expressed by the authorities in question to uphold, respect and promote at all levels of government the values and principles of the Council of Europe, and their commitment to:

a. initiate a process of devolution and/or regionalisation, based on the principles of the European Charter of Local Self-Government and/or the Council of Europe Reference Framework for Regional Democracy;

b. hold regular free and fair elections at local and/or regional level in accordance with the relevant international standards and, as far as possible, observed by a delegation of elected members of the Congress;

c. on behalf of the elected representatives who would take part in the work of the Congress, base their activity on the principles of the European Code of Conduct for the political integrity of local and regional elected representatives;

d. inform the Congress, timely before the meeting of the Bureau preceding a renewal session, of the progress made and obstacles encountered, in connection with developments in the Council of Europe's neighbourhood policy.

28. The number of members of a "partner for local democracy" delegation will be laid down by the Congress based on the practice in place in the Parliamentary Assembly of the Council of Europe; the composition of the delegation shall respect, as far as possible, the principles laid down in the Charter and the Congress's Rules of Procedure, including the provisions relating to a balanced gender representation and shall be updated, in accordance with the relevant procedures, at each renewal session of national delegations to the Congress.

29. The costs arising from the participation at a Congress session of the delegation of a "partner for local democracy" country will not be charged to the Congress's ordinary budget and the forms and conditions of participation in the work of the Congress and of its chambers and committees will be specified by the Congress in its Rules of Procedure.

30. The decision to grant, suspend or withdraw partner for local democracy status shall be taken by the Congress in plenary session, on the basis of a draft resolution from the Bureau of the Congress together with, if appropriate, the opinion of one or more committees to which the Bureau may wish to refer the matter.

31. The Congress could, in the light of the particular situation of each country wishing to be granted "partner for local democracy" status, and on a proposal from the relevant committees, lay down specific conditions to be fulfilled before or after the status is granted.

32. "Partner for local democracy" status may be granted solely on the basis of a single request per state.

#### **IV. Conclusions**

33. The main conclusions may be summarised as follows:

*a.* the activities carried out by the Council of Europe at intergovernmental level under the various mechanisms for co-operation with non-member states help promote the fundamental values of the Organisation beyond its borders;

*b.* at Congress level, there is the potential to intensify co-operation with the Council of Europe's neighbouring countries; in order to secure a more solid framework for this co-operation, it is proposed that a new status with the Congress be created: "partner for local democracy" status.