

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 141 (2003)¹ on regional democracy in Norway

The Congress, acting on a proposal from the Chamber of Regions,

1. Recalling:

a. Article 2.1.b of the Statutory Resolution of the Congress (2000) 1, which states that “the CLRAE shall submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 2.3 of the Statutory Resolution of the Congress (2000) 1, which states that “the Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member states which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented”;

c. its Resolutions 31 (1996), 58 (1997) and 106 (2000) setting out guiding principles for drawing up such reports;

2. Bearing in mind the report on the situation of regional democracy in Norway, drawn up following two official visits to Oslo (30-31 January 2003 and 16 June 2003) and an official visit to Trondheim and Lillehammer (17-18 June 2003) by Mr Roberto Ruocco (Italy, Chamber of Regions), rapporteur, assisted by Mr Fabrice Hugot, expert, administrative officer at the French Senate, whom the Congress wishes to thank for his assistance;

3. Recalling the colloquy on regionalisation in Norway, organised by the Congress on 2 and 3 May 2002 in co-operation with the Norwegian Association of Local and Regional Authorities;

4. Thanking:

a. the Norwegian Association of Local and Regional Authorities for its assistance in organising the visits to Norway of the CLRAE delegation and the detailed observations made at the time of the above visits;

b. the Norwegian governmental and parliamentary authorities, in particular the Ministry of Local Government and Regional Development for its valuable input to drafting of the report on regional democracy in Norway;

5. Expressing its pleasure at the ratification by Norway of the European Charter of Local Self-Government (26 May 1989), without any particular declaration or reservation;

6. Expressing its pleasure also at Norway’s ratification of the European Outline Convention on Transfrontier Co-

operation between Territorial Communities or Authorities (12 August 1980), the European Charter for Regional or Minority Languages (10 November 1993) and the Framework Convention for the Protection of National Minorities (17 March 1999);

7. Noting with satisfaction that there continues to be a high level of local democracy in Norway;

8. Noting that the Norwegian Constitution of 1814 which contains no provision relating to either local or regional self-government, has not since been amended in this regard and that the Local Government Act of 25 September 1992 (Law No. 107), for its part, contains no binding general provisions on the legal protection of local and regional self-government in Norway;

9. Regretting the fact that upon ratification of the European Charter of Local Self-Government, Norway did not officially notify the Council of Europe of its intention to be bound by the Charter in its relations with the county authorities;

10. Having taken note of the many proposals and initiatives of the Norwegian authorities concerning reform of the existing regional structures, and on the other hand, the lack of consensus within Norwegian political circles on the future of regional authorities in the country;

11. Wishes to draw the attention of the Norwegian governmental and parliamentary authorities to the following considerations and recommendations:

a. in general terms, and bearing in mind the positive examples of many European countries, a regional level of administration having its own powers and composed of democratically elected representatives is a fundamental factor in the appropriate application of the principle of subsidiarity and a potential source of solidarity and social and territorial cohesion;

b. regions formed on a historical and geographically rational basis, having genuine and clearly defined powers, are an effective means of governance making it possible to satisfy the aspirations of the populations concerned by defending their interests and preserving their identities;

c. bearing in mind the current structure of territorial administration in Norway, and the requirements in terms of public service, administrative efficiency and simplifying the functioning of the public authorities in various fields, in particular regional development, reform of territorial administration would appear to be both expedient and necessary;

d. the structure of the future regions should be based on the European Charter of Local Self-Government and on the principles of regional self-government approved by the Council of Europe and set out in the draft European Charter of Regional Self-Government adopted by the Congress;

e. when such a reform is carried out, the following should also be borne in mind:

i. in view of the geographical and demographic features of Norway, it would appear appropriate to retain three levels of government – local, regional and central – and to maintain a regional level with elected authorities having democratic legitimacy, satisfying more effectively the requirements of the principles of subsidiarity and proximity;

ii. any modernisation or reform of existing regional structures should be carried out with due respect for regional identities and should take account of the specific features of the different Norwegian regions;

iii. it is essential to avoid an excessive concentration of power at central government level, in order to comply with the principles of subsidiarity, complementarity and solidarity, and to implement a more balanced distribution of powers between the various levels of public authorities by regulating relations between central government, the regions and the municipalities;

iv. in the event that the current structure cannot be maintained, consideration should also be given to the form the regional level should take and the nature of the powers to be attributed to the future regions;

12. In setting up democratic regional structures, the choice should be between the following main options: maintaining the current counties, creating larger regions by grouping together several counties, and strengthening intermunicipal co-operation and grouping municipalities;

a. if the elected authorities of the current counties were to be retained:

i. the counties should be given a greater role to play in regional development, by carrying out a structural rationalisation and enlarging their powers, granting them appropriate financial resources which are sufficient to enable them to fulfil these responsibilities, and ensuring that there is efficient management of such resources;

ii. it would be absolutely essential to define clearly the relations between central government, counties and municipalities, as well as the supervisory bodies, bearing in mind the principles of autonomy, subsidiarity, complementarity and solidarity;

iii. in this connection, it should be noted that the gradual transfer of county powers to central government (responsibility for hospital services was transferred to central government in 2002, the transfer of specialist social services being scheduled for 2004) is a worrying sign of heightened centralisation, considerably reducing the responsibilities of counties;

iv. the structure of central government regional representatives (county governors) should be reviewed and consideration given to transferring certain of their attributions to the elected authorities of the counties;

v. review of municipal and county decisions carried out by central government authorities should be limited to a consideration of the legality of decisions, with intervention

by the central authorities via a review of expediency being limited to the strict minimum;

vi. it should be borne in mind that given that the counties' financial resources derive primarily from block grants from central government, and in view of the tax limitations imposed by the latter, the county authorities' margin for manoeuvre in the financial and budgetary sphere appears to depend to a large extent on central government;

vii. while bearing in mind the importance of the principles of equality and equity between counties in the Norwegian tradition, it would nevertheless be conceivable to create an asymmetric system of responsibilities assigned to the different counties;

b. regrouping of counties by setting up larger regions, supplanting the current counties:

i. the new regions could group together several counties, resulting in a smaller number of entities than is currently the case;

ii. to facilitate the transition between systems, it would be advisable in an initial stage to promote co-operation between counties, voluntary merger and regional partnerships;

iii. the future regions should be given directly elected democratic structures, powers and own resources to ensure that they can operate and be run in an autonomous way;

iv. as part of this process, there could be an appropriate redrawing of municipal boundaries;

c. in the event that no regional model were to be opted for, one of the possible alternatives to the current counties would be to encourage intermunicipal co-operation and, where necessary, group together municipalities:

i. co-operation, and in particular grouping together, should be on a voluntary basis and should take into account the efficiency, specific features and aspirations of the various municipalities;

ii. in this context, it is important to reconsider or indeed strengthen the powers of the municipalities and increase their resources, particularly as powers in the agricultural and environmental sphere will be transferred to the municipalities with effect from 2004;

iii. when such new structures are set up, consideration must be given to whether the intermunicipal entities would be able to implement the regional planning and development competences and, accordingly, what democratically controlled bodies should assume responsibility for this;

13. In general terms, it is necessary:

a. to establish partnerships and encourage closer co-operation between municipalities and counties in order to improve co-ordination and efficiency;

b. before undertaking any major reform, to carry out a detailed assessment of the various pilot projects currently under way relating to counties – “the united county”, co-

operation among several counties in a region through the implementation of shared powers, the delegation of certain county powers to the municipalities or central government powers to counties;

c. to take on board the fact that the concept of “united county” – the merging of the county governor and the county authority (the elected body) into a single administrative body – does not appear to be an appropriate model for regional administration in view of the dominant position within this body of the central government component and the lack of transparency with regard to the actual powers of elected representatives and the government authorities;

d. in all possible hypotheses, to alert citizens to the need for, and the importance of, there being properly functioning elected regional authorities and to make the latter more attractive to residents so that they can be regarded not only as public service providers but also as the appropriate entity for the democratic expression of the citizens’ will;

14. In order to ensure that the Norwegian regional authorities are granted the legal guarantees of the various international instruments in this field, irrespective of the solution ultimately adopted following the reform, the governmental authorities of Norway should ideally choose among the following solutions:

a. decide to apply the European Charter of Local Self-Government (on the basis of Article 13) to the county authorities or the future regional institutions;

b. support the preparation of and accede, at the appropriate juncture, to the European legal instrument on regional

self-government, currently in preparation in the Council of Europe;

15. Accordingly the Congress invites:

a. the Committee of Ministers to forward this recommendation and its explanatory memorandum to the Norwegian governmental and parliamentary authorities;

b. the Norwegian governmental and parliamentary authorities:

i. to take into account, in the national discussions on the future of local and regional government in Norway, of the considerations outlined above by the Congress;

ii. to seek solutions for the future structures of territorial administration in close liaison with the representatives of local and regional authorities;

iii. not to focus, in their reforms, on the single criterion of reducing territorial management structures, but to take account of the will of the citizens to see their elected representatives play a genuine role in managing their local environment;

c. the Norwegian Minister for Local Government and Regional Development to attend one of the forthcoming sessions of the Chamber of Regions in order to present the measures taken and/or anticipated in order to implement this recommendation.

1. Debated and approved by the Chamber of Regions on 25 November 2003 and adopted by the Standing Committee of the Congress on 26 November 2003 (see Document CPR (10) 6, draft recommendation presented by Mr R. Ruocco, rapporteur).