

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 145 (2004)¹ on challenges for local democracy in South-eastern Europe

The Congress,

1. Having regard to the work carried out in the Council of Europe and in particular:

a. Recommendation 112 (2002) of the Congress on the Forums of Cities and Regions of South-eastern Europe;

b. Recommendation 132 (2003) of the Congress on municipal property in the light of the principles of the European Charter of Local Self-Government;

c. Chişinău Political Declaration on Transfrontier and Interterritorial Co-operation between States in South-eastern Europe (November 2003);

d. European Code of Conduct for Local and Regional Elected Representatives;

e. local and regional democracy reports prepared by the Congress;

f. declarations adopted at the Forums of the Cities and Regions of South-eastern Europe;

g. report prepared by the Council of Europe Decentralisation Mission in Kosovo;

h. political and legal advice given by the Council of Europe on new draft legislation in the field of local democracy in South-eastern Europe;

i. work of the ad hoc Working Group of Local and Regional Representatives of South-eastern Europe (GT-SEE) and report on challenges for local democracy in South-eastern Europe prepared by Mr Sofianski;

2. Bearing in mind the work of other international organisations and institutions, in particular that of the European Union; the Stability Pact for South Eastern Europe; and the Summits of Heads of State or Government held in the context of the South-East European Co-operation Process (SEEC);

3. Acknowledging that the European Charter of Local Self-Government is ratified by the majority of countries of South-eastern Europe and that most of the countries in this region have recently developed new, or amended the existing, legislation concerning local and regional authorities with a view to bringing it into compliance with the Charter;

4. Noting extensive co-operation has developed between the Council of Europe, in particular the Congress, and the relevant authorities in the countries of South-eastern Europe;

5. Bearing in mind that some of the countries close to South-eastern Europe will soon become members of the European Union and some are on the way to becoming members;

6. Considering that a major challenge for the municipalities of the region remains the gaining of political independence from central authorities, and that the degree of autonomy of local authorities varies considerably from one country to another;

7. Convinced that the need for stronger local government in the countries of South-eastern Europe is recognised and the reform process is in progress;

8. Noting that local democracy in South-eastern Europe is developing very fast;

9. Convinced that effective citizen involvement is essential to good governance and can play an important role in the management of the local community;

10. Aware of the fact that local authorities should be provided with incentives to run their communities responsibly, cost-efficiently, openly and in accordance with the will of the citizens, who expect them to conduct their activities in a correct, equitable and helpful way;

11. Acknowledging the valuable work carried out by the Local Democracy Agencies and their European partner cities, regions and non-governmental organisations, as a useful means of developing transfrontier co-operation, civil society and democratic stability,

12. Welcomes:

a. the significant effort that the countries of South-eastern Europe put into the modification of the legal framework and updating of their legislation in order to meet the requirements of the European Charter of Local Self-Government;

b. the progress achieved in the field of public administration reform;

c. the continuous transfer of tasks and responsibilities from the central level to local authorities;

d. the efforts undertaken by the countries of South-eastern Europe to promote good governance and to reduce corruption at local level by increasing transparency and accountability in local government bodies;

e. the increased inter-municipal co-operation and steady development of transfrontier co-operation bodies, which are increasingly known by the term "Euroregions";

f. the creation of the Network of Associations of Local Authorities in South-eastern Europe (NALAS) under the auspices of the Stability Pact for South Eastern Europe with the financial and technical support of the Swiss

Government and the Local Government Initiative of the Open Society Institute;

g. the initiative of the Stability Pact to convene, in co-operation with the Council of Europe, a ministerial conference on good governance and capacity building at local level in South-eastern Europe before the end 2004;

13. Recommends to the member states of the Council of Europe of South-eastern Europe, with a view to the development of local democracy, that they:

a. continue to revise legislation to correspond to the provisions of the European Charter of Local Self-Government and take the necessary measures to guarantee implementation of this legislation in matters of local democracy;

b. introduce coherent national strategies fixing the overall decentralisation priorities;

c. clarify powers and responsibilities of different levels of authorities;

d. reinforce various components of local self-government;

e. genuinely transfer the responsibility from central to local level and support this transfer by the necessary financial and logistical means;

f. continue to pursue local finance reform;

g. encourage fiscal decentralisation;

h. enable local authorities to plan, implement and finance their activities themselves on the basis of their own budget and financial resources;

i. continue transfer of property to the local authorities and adopt relevant legislation on municipal property;

j. provide local authorities with incentives to run their communities responsibly, economically, openly and in accordance with the will of the citizens;

k. hold local governments responsible for their actions;

l. increase local authorities' reporting standards;

m. provide incentives to increase civic participation in local decision-making;

n. pay particular attention to (re-)training of personnel at the local level and promote national strategies of training;

o. encourage municipalities to form associations and join international organisations of local authorities, and to co-operate with local authorities in other regions;

p. foster closer links and co-operation between municipalities and cross-border co-operation;

q. sign and ratify to that end the 1980 European Outline Convention on Transfrontier Co-operation between

Territorial Communities or Authorities (ETS No. 106), and the Protocols thereto of 1995 (ETS No. 159, on the legal personality of transfrontier co-operation bodies established by territorial authorities and the legal value of decisions adopted under transfrontier co-operation agreements) and 1998 (ETS No. 169, on interterritorial co-operation);

r. secure freedom of expression, protection of sources, access to information and pluralism of media and fight against irresponsible journalism;

14. Urges the Ministers responsible for local government of the countries of South-eastern Europe to attend the regional conference for SEE to be jointly organised by the Stability Pact for South Eastern Europe and the Council of Europe in order to reaffirm, in a political declaration, their commitment to carrying the reform process through its successful implementation;

15. Invites the European Union to:

a. step up its efforts to assist South-eastern European countries to develop local democracy and civil society and to continue public administration reform in order to enable these countries to join the European Union in due time;

b. confirm its support for the reform processes engaged in most countries of South-eastern Europe with a view to achieving the goals of effective decentralisation based on a sound institutional framework, strong capacity at local level and adequate budgetary and fiscal capacities;

c. provide the necessary assistance to South-eastern European countries, notably through the CARDS Programme in order to assist these countries to further develop local democracy;

d. develop legal instruments which will usefully contribute to increasing transfrontier co-operation and setting-up of Euroregions in South-eastern European countries that would harmoniously coexist with the Madrid Outline Convention and its protocols;

16. Invites the United Nations Interim Administration Mission in Kosovo (Unmik) to:

a. enhance local self-government in Kosovo taking into account the report of the Council of Europe Decentralisation Mission in Kosovo, with a view to overcoming ethnic divisions, rendering "parallel structures" unnecessary and strengthening citizens' participation at local level;

b. ensure the compliance of the "standards for Kosovo" with the European Charter of Local Self-Government.

1. Debated and adopted by the Congress on 27 May 2004, 3rd Sitting (see Document CG (11) 7, draft recommendation presented by S. Sofianski (Bulgaria, L, EPP/CD), rapporteur).