

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

Recommendation 98 (2001)¹ on the draft world charter of local self-government State of discussions

The Congress, bearing in mind the proposal of the Chamber of Local Authorities,

1. Bearing in mind the results of the 2nd United Nations Conference on Human Settlements (Habitat II), held in Istanbul in 1996, further to which, in 1998, the United Nations Centre for Human Settlements (UNCHS – Habitat) and the World Associations of Cities and Local Authorities Coordination (Waclac) signed a consultation document with a view to working together on the preparation of a world charter of local self-government (hereafter: draft world charter);

2. Having regard to the Opinion No.12 (1999) on the initial draft world charter, which was submitted by Ms Doğanoglu (Turkey, L) to the Congress' 6th Session on behalf of the then Working Group on the European Charter of Local Self-Government;

3. Bearing in mind that the above-mentioned opinion concerned an initial draft of the world charter prepared by the joint UNCHS/Waclac Expert Group and that this draft had been modelled on the main lines of the European Charter of Local Self-Government;

4. Considering that the draft world charter was discussed later on, at a total of 8 regional conferences, attended by representatives of local authorities from more than 100 countries and some 50 national governments;

5. Bearing in mind that the amendments and additions recommended at these conferences had been integrated into the text at an expert meeting convened at UNCHS headquarters in Nairobi on 13 and 14 February 2000, which had produced a unanimously approved second draft of the world charter;

6. Taking note that this second text focuses on the constitutional and legal foundations and scope of local self-government, the definition of autonomous local administrative structures, local authorities' responsibilities and financial resources as well as state supervision, public participation in local government and co-operation between local authorities at the national and international levels;

7. Taking note of Dr Gerhard Engel's (Germany) and Mr Alan Lloyd's (United Kingdom) progress report on the

preparatory process for Istanbul +5 and the draft world charter;

8. Taking note of the wide divergence among members of the Commission on Human Settlements (12-23 February 2001) in discussing the idea and the necessity of a world charter of local self-government (decisions made as a follow up to the United Nations Conference on Human Settlements – Habitat II – is appended);

9. Regrets that at this stage formally no agreement was reached on placing the draft world charter on the agenda for the special session of the United Nations Istanbul +5 (2-6 June 2001);

10. Regrets that some delegations rejected the objective of a world charter and that there was significant opposition to the concept as well as content of the current draft world charter;

11. Regrets that despite the agreement voiced by all the participants on the fundamental issues of decentralisation, the last session of the Commission on Human Settlements did not succeed in transforming the so-far informal dialogue into a formal intergovernmental agreement;

12. Welcomes, however, the fact that it was suggested forming a working group, with the aim of giving further consideration to a world charter at the Commission's 19th Session in 2003;

13. Notes that there was general agreement to pursue and to intensify dialogue among governments at all levels and Habitat partners, initially through the Committee of Permanent Representatives and other appropriate means, on all issues related to effective decentralisation and the strengthening of local authorities, including principles and, as appropriate, legal framework, in support of the implementation of the Habitat agenda;

14. Reiterates its opinion that the draft world charter has been designed as a universal legal instrument aimed at contributing to sustainable development of local authorities and, if adopted, will no doubt contribute to strengthening citizens' participation in the decision-making process at local level, placing local economic development on a sounder footing and improving social cohesion in cities and regions all over the world;

15. Considers also that a world charter in the manner of the role played by the European Charter of Local Self-Government in central and east European countries will help promote decentralisation through democratic local authorities and will certainly contribute to strengthening their financial and institutional capacities, while ensuring their transparency, accountability and responsiveness to the needs of people;

16. Urges the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to reiterate their support for the draft world charter at the intergovernmental and parliamentary levels by giving clear instructions in that sense to their representatives

within the United Nations institutions (in particular, through its Commission on Human Settlements).

Appendix

United Nations

Commission on Human Settlements

Distr. Limited

HS/C/18/L.11
16 February 2001

Original: English

Eighteenth session
Nairobi, 12-16 February 2001

Agenda item 5

Follow up to the United Nations Conference on Human Settlements (Habitat II)

Intensifying dialogue on effective decentralization and strengthening of local authorities within the framework of implementing the Habitat Agenda

Draft decision submitted by France, Italy, Norway, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America

The Commission on Human Settlements,

Recalling that at the second United Nations Conference on Human Settlements (Habitat II), held in Istanbul in June 1996, national governments committed themselves to the objectives of decentralizing authority and resources, as appropriate, as well as functions and responsibilities to the level most effective in addressing the needs of people in their settlements, and enabling local leadership, promoting democratic rule and strengthening of local authorities to enable all key actors to play an effective role in human settlements and shelter development,

Further recalling that in the Istanbul Declaration, national governments recognized local authorities as their closest partners, and as essential, in the implementation of the Habitat Agenda,

Noting with appreciation the deepening of the partnership at the international level between the United Nations Commission on Human Settlements, local authorities and their international associations,

Recognizing as a guide for decentralization policies, that decisions should be taken and services delivered at the most local level of government, consistent with the nature

of the decisions and services involved and within the legal framework of each country,

Taking note of the report submitted by the Executive Director to the eighteenth session of the Commission on decentralization and the strengthening of local authorities and their networks for the implementation of the Habitat Agenda (HS/C/18/3/Add.1),

Recognizing with satisfaction the growing international trend of decentralization and the strengthening of local authorities to face the challenges of human settlements in the twenty-first century,

Recalling the goals stated in paragraph 12 of the Istanbul Declaration,

Convinced that dialogue on decentralization will provide further impetus to the successful implementation of the Habitat Agenda at all levels,

Taking note of the wide divergence among members of the Commission in discussing the Executive Director's Report HS/C/18/3/Add.1, on an international framework² for decentralization and strengthening of local authorities and their networks for implementation of the Habitat Agenda,

1. Requests the Executive Director to intensify dialogue among governments at all levels and Habitat partners, initially through the Committee of Permanent Representatives and other appropriate means, on all issues related to effective decentralization and the strengthening of local authorities, including principles and, as appropriate, legal frameworks, in support of the implementation of the Habitat Agenda;
2. Calls upon the Executive Director to make this dialogue as open-ended and inclusive as feasible;
3. Also requests the Executive Director to report on progress made to the next session of the Commission.

1. Debated and approved by the Chamber of Local Authorities on 30 May 2001 and adopted by the Standing Committee of the Congress on 31 May 2001 (see Doc. CPL (8) 5, draft recommendation presented by Dr G. Engel and Mr A. Lloyd, rapporteurs).

2. Including the idea and the necessity of a world charter of local self-government or other alternative concepts.