

Statement by Andreas Kiefer, Secretary General of the Congress of Local and Regional Authorities of the Council of Europe

Conference of the Council on Development of the Communities and Territories on the establishment of a "Congress of Regional and Local Authorities of Ukraine"

Kyiv, 25 February 2021

Volodymyr Zelenskyy, President of Ukraine
Dmytro Razumkov, Speaker of The Verkhovna Rada of Ukraine
Denys Shmygal, Prime Minister of Ukraine

Excellencies,
Dear mayors and elected representatives of local and regional authorities,
Dear partners and colleagues,
Dear Prof. Milbradt,
Ladies and gentlemen.

It is a pleasure to see you today and I would prefer to be with you in person. I am happy to see so many friends in the room, former and current members of the Congress, participants in many of the seminars and conferences we organised.

It is my honour to convey the greetings of the Congress of Local and Regional Authorities of the Council of Europe. The President of the Congress, Anders Knappe, is also the President of the Swedish Association of Local Authorities and Regions, who is, together with the Swedish government, an important partner of the Council of Europe in supporting the implementation of reforms in Ukraine.

The Congress of the Council of Europe, composed of 648 elected women and men from all 47 member states, is the representative organ and voice of the local and regional authorities all over Europe. In 1993, the heads of state and government established the Congress and formulated five major tasks:

- To be a forum of exchange for elected politicians and to share experiences among them
- To advise the Committee of Ministers in all matters that have an impact on local and regional authorities including where they have a specific responsibility in implementing legislation and policies
- To regularly monitor – that is to control – the application of the European Charter of Local Self-Government by national authorities and to present reports and recommendations to the Committee of Ministers and to the member states concerned
- To observe local and regional elections and prepare reports and recommendations – and
- To be operational and implement co-operation projects in the framework of Council of Europe Action Plans – we are very pleased about the good cooperation with the Ministry of Regional Development and with the respective committees of the Verkhovna Rada at national level, notably with the Committee on State Building, Local Governance, Regional and Urban Development, and with our partners, the national associations of local and regional authorities – and I want to especially thank the Association of Ukrainian Cities for their pioneering role in modernising local self-government and governance in the interest of the citizens.

It appears that the Congress of Local and Regional authorities of Ukraine is inspired by the Congress of the Council of Europe, and I welcome that! There are parallels – for example the two-chamber structure – and there are differences, for example in the composition, the chairmanship or in the self-organisation. Its success will depend on the mandate, on the composition and on the rules and procedures of the body, and on the expectations the different stakeholders have.

Let me draw a parallel: The founders of the Congress – our member states - wanted to have an organ which is representative for the different realities, views and needs. Therefore, all member states must consult with the national associations of local and regional authorities about the composition of the Congress delegation, so that the members are really representative for the different municipalities, cities, regions, political affiliation etc. and do not represent personal or individual interests. It is therefore the national associations who identify the representatives who speak on their behalf – in a representative and accountable manner.

I also want to recall that the Council of Europe was established in 1949 in order to safeguard freedom and liberties, to involve people in public affairs at all levels. The Council of Europe is the guardian of democracy, human rights and the rule of law. These inter-dependent values concern national, regional and local authorities alike!

Democracy means participation and shared powers – not monopolies of information and power.

Human rights mean to grant all the freedoms Europeans at all times had to fight for and which have to be achieved anew day by day: human dignity, freedom of speech and assembly, freedom of press, to name just a few.

Rule of law means checks and balances and the respect of responsibilities and roles of institutions in a country: government, parliament, local and regional authorities, the judiciary, free and independent media. It also means that consultative bodies can discuss and make proposals but in the end it is the constitutional organs who have to examine and decide and take responsibility.

The essence of the Council of Europe is about multilateral cooperation of member states and about multi-level governance within member states. On 4 November 2020, the Ministers of Foreign Affairs of the Council of Europe have renewed this commitment: The ideals of the European model of society can only be achieved together: together by the member states united in the Council of Europe and its bodies in Strasbourg, and together within member states by involving all stakeholders, by including representative bodies, who are legitimate to speak on behalf of these stakeholders.

The Council of Europe is practicing this inclusive approach: The Congress has a key role in the institutional architecture and the power to organise its work. It works in a climate of openness and trust, united by common principles and values. The multi-level governance approach is also reflected in the European Charter of Local Self-Governance and appears in a Recommendation of the Committee of Ministers on civil participation in public life. A report of the Parliamentary Assembly of the Council of Europe on “The role of national parliaments in successful decentralisation processes” underlines this inclusiveness as well.

To achieve the goal of strengthening local democracy and local self-government, the European Charter of Local Self-Government is the efficient instrument. For 33 years this Charter has guided the development of local democracy and opened a new era in the decentralisation of power and in empowering citizens and their elected representatives in Europe. So, today I find it particularly symbolic to reaffirm the relevance of the Charter as a unique international legal instrument which enshrines the principles of local self-government and of consultation and protects local democracy and the representative associations of municipalities, cities, rayons and oblast / regions for the benefit of local communities, their residents and the elected and accountable women and men, who take up local office.

We are proud that all 47 member states of the Council of Europe have ratified the Charter. It commits governments and parliaments alike and it is the parliaments’ role and duty to continue assuming their vital role in implementing the Charter, together with national governments and local and regional authorities.

Local self-government means that the representative bodies of villages, amalgamated municipalities and cities as well as rayons and oblast and “regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population“.

Article 3 – Concept of local self-government

Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.

In order to be successful, decentralisation processes need to strive for a clear distribution of powers, for elected politicians which are empowered and capable of addressing and responding to the challenges that are facing our cities and regions. I think I do not have to develop the very different concepts of de-concentration of state powers down into each village as opposed to local self-government which leaves the responsibility with the people on the ground; responsibilities which have to be complemented by financial resources and by capable politicians and administrations under their responsibility. Along with financial autonomy and devolution of powers to the closest possible level to the citizens, proper, inclusive, representative and timely consultation is a key principle of the Charter.

In 2014 the Congress adopted a “Strategy on the right of local authorities to be consulted by other levels of government” that calls upon national and local authorities and their associations to work together to establish systematic and regular consultations in their countries.

Under this Strategy, the Congress has now prepared “Guidelines on the consultation of Local Authorities by Higher Levels of Government”. Meaningful consultations are in the interest, not just of local /regional authorities and the people they represent, but also of central governments themselves, since it leads to better policies. Governments and parliaments can turn local and regional authorities into partners and allies in making better laws and policies, just by hearing their voices and proposals and learning from their knowhow and operational experience.

Consultation always is a two-way-process: it consists of informing about the objectives and the means to achieve them and by whom; and it consists of listening to those, who are impacted by the legislation or policy in question. Consultation improves the quality and effectiveness of the legislation or policy.

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One of the main tasks of the new Congress will be to prepare a municipal code. It shall open a new chapter for local self-government. We, the friends of Ukraine in the Congress in Strasbourg; stand ready to share experiences and contribute to your discussions. There is no “one size fits all” approach and it will be for the Ukrainians to choose their model and to fill it with life. What unites us is the European Charter of Local Self-Government.

This Charter also must be the compass for the upcoming amendments to the constitution of Ukraine.

In this process you also can count on us.

Good luck!