



“State of Local and Regional Democracy in Europe” – Joint celebration of the 25th Anniversary of the Congress of Local and Regional Authorities and the European Committee of the Regions – Brussels, Belgium, 27 June 2019

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Panel discussion I: Decentralisation and the State of Local and Regional Democracy

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Monitoring of the European Charter of Local Self-Government

The core mission of the Congress is monitoring of the situation of local and regional democracy in the Council of Europe member states and the application of the European Charter of Local Self-Government.

The Congress adopts country-specific reports, recommendations and resolutions to help their governments comply with the Charter and improve local and regional self-government. All member States are being regularly monitored on an equal footing based on transparent criteria which guarantee the impartiality and independence of the Congress monitoring procedure.

The Congress also pursues a regular "post-monitoring" political dialogue with Council of Europe member states. The aim is to accompany the national authorities in ensuring the implementation of the Congress recommendations addressed to these states. Post-monitoring is thus a "complementary" tool and it can only be launched on the request of the interested state authorities. So far, the Congress has engaged in a post-monitoring dialogue with Ukraine, Portugal, Moldova, Armenia and Georgia.

It happens that the Congress has a particular concern about some specific issue related to local and regional democracy that has emerged in a country. In this case it may decide to organise a fact-finding mission to this country to examine the situation on the ground.

Major findings and cross-cutting trends in local democracy (recurring issues):

Since 2010, the Congress has assessed, on a regular basis, the state of implementation of its monitoring recommendations by the States parties to the Charter. Based on assessments resulting from 44 monitoring and post-monitoring missions that the Congress carried out between 2010 and 2016, it has identified the following areas of the Charter that member States find most challenging to comply with – so called recurring issues:

the inadequacy of financial resources for local and regional authorities;
the restricted definition, allocation and exercise of local competences;
the lack of consultation of local authorities by central government;
and the absence of direct applicability of the European Charter of Local Self-Government in domestic legal systems.

The Congress sees these recurrent issues as symptomatic of a broader trend towards (re)centralisation in member States. The (re)centralisation tendency may take many forms, ranging from legislative nationalism – and the refusal of some courts to apply directly a number of Council of Europe Conventions, among them the Charter – to the absence of flexibility granted to local governments in budgetary matters.

Function of the European Charter of Local Self-Government in the light of new developments (in particular the work with the Congress experts on a contemporary interpretation tool for this text):

The European Charter of Local Self-Government lays down standards for protecting the rights of local authorities. The Charter was opened for signature on 15 October 1985 and entered into force on 1 September 1988. It is ratified by all 47 Council of Europe member states.

However, since 1985 the system of local self-government has evolved in Europe. There have been significant developments in how the Charter's norms are applied and interpreted in practice.

To capture these new developments and provide up-to-date comprehensive interpretations of the norms of the Charter, the Congress Monitoring Committee has instructed the Congress Group of Independent Experts on the Charter to provide a contemporary interpretation of the provisions of the Charter as well as of its Explanatory Memorandum, which dates to 1985 and has served a major reference text for the application and non-authoritative interpretation of the Charter.

Observation of Local and Regional Elections

Observation of local and regional elections as a key barometer of democratic development

Observation of local and regional elections is a complementary activity to regular monitoring activities of the Congress of Local and Regional Authorities and as such it is a part of the Congress' institutional responsibility to evaluate the situation of local and regional democracy in Europe.

Although elections are not the only element of democracy, no democracy can exist without them. Therefore, election observation has become widely accepted as a key barometer of democratic development and observation of local and regional elections is a central instrument to assess and support electoral processes on local and regional level in the Council of Europe member States.

Congress is in a unique position of having a mandate given by the Committee of Ministers to pursue this activity and is thus the only international body focusing specifically on observation of elections on local and regional level.

In the past, Congress used to carry out its election observation activities together with the European Committee of the Regions.

The Congress' methodology and the unique selling position of the Congress in the field of election observation

The Congress has developed a specific methodology to observe elections based on participation of observers who are local and regional elected representatives from the 47 member States of the Council of Europe.

Thus, Congress' election observation is a peer-to-peer activity whereby the participants have a possibility to share their experiences and compare different systems across Europe. Back in their home countries, these experiences are source of discussions and inspiration among the Congress members and local stakeholders.

Findings of Congress' election observation missions are summarised in detailed expert reports which contain concrete recommendations on how to improve electoral process in the observed country. The recommendations along with resolution are then discussed and voted by the Congress members on the bi-annual Plenary Sessions. Follow-up activities and post-electoral dialog is often pursued during the period leading up to a new electoral cycle.

Dealing with transversal issues: accuracy of voters' lists, independence and professionalisation of the electoral administration, misuse of administrative resources during elections, voting rights at the local level of specific groups (IDPs, migrants etc.), voting at 16, local referendums

Over the last 25 years of election observation, the Congress has developed a strategy to address recurring transversal issues which are of broader relevance in many Council of Europe member States.

Such issues include the accuracy of voters' lists, professionalisation and depoliticisation of electoral administration, misuse of administrative resources and voting rights of internally displaced persons and migrants.

In addressing these issues, special reports and guidelines have been composed for members States to benefit from the Congress' election observation activities and to improve the electoral process in respective areas. Most recently, the Congress adopted a report named "Voting rights at local level: A factor in the integration of IDPs and migrants in Europe", which was discussed at a conference organised by the Congress in Ukraine this year.

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Over the years, Congress has achieved a good complementary work and collaboration with other key actors in the field of election observation, notably the Council of Europe Parliamentary Assembly, the Venice Commission and its Council for Democratic Elections, as well as the OSCE Office for Democratic Institutions and Human Rights. Maintaining and reinforcing co-operation with its partners by sharing expertise, best practices and field experiences is high on the agenda of the Congress.