

The Congress of Local and Regional Authorities



20th SESSION
CG/(20)12
21 March 2011

The reform of the Congress of Local and Regional Authorities within the Council of Europe reform

Bureau of the Congress
Rapporteurs: Karl-Heinz Lambertz, Belgium (R, SOC)
Anders Knape, Sweden (L, EPP/CD)¹

A. Draft resolution.....	2
B. Draft recommendation.....	3
C. Explanatory memorandum.....	4

Summary

From 2010 onwards, the Council of Europe embarked on a reform in order to realign itself to its fundamental values and be better able to help its member states meet the challenges which they must take up. In this process of radical transformation, the role of the local and regional authorities is crucial.

The Congress is also engaged in a profound reform of its structures and activities, placed in the perspective of this process of overall reform to the Council of Europe.

The rapporteurs take stock of the reform and of the changes ahead, which are to transform the Congress lastingly into a more responsive, effective political assembly more in line with the new priorities of the Organisation.

Its reform and its purposive, targeted initiative strengthen the position of the Congress in the action of the reformed Council of Europe and make it a key interlocutor in all matters of local and regional democracy.

¹ L: Chamber of Local Authorities / R: Chamber of Regions
ILDG: Independent and Liberal Democrat Group of the Congress
EPP/CD: European People's Party – Christian Democrats of the Congress
SOC: Socialist Group of the Congress
NR: Members not belonging to a Political Group of the Congress



A. DRAFT RESOLUTION²

1. Local and regional democracy is one of the fundamental pillars of the democracy whose defence and development are the mission of the Council of Europe.
2. The Congress, as a political assembly of local and regional elected representatives, emphasises the important role of local and regional authorities in the construction and advancement of a stable Europe honouring human rights, rule of law and democracy.
3. Considering the essential mission of the Council of Europe in this process, the Congress asserts:
 - a. its resolve to contribute efficiently to the action of the Council of Europe in all fields relating to local and regional democracy;
 - b. its attachment to the values of the Council of Europe of which it is an integral part;
 - c. its support for the process of reform to the Organisation of the 47 undertaken by Secretary General Thorbjørn Jagland with the backing of the Committee of Ministers and the Parliamentary Assembly.
4. The Congress wishes to make an active contribution to this reform process in keeping with its fields of competence, specific functions and expertise. In 2008 it commenced, and continued in depth in 2009 and 2010, the transformation of its structures, working methods and fields of activity in order to make them more focused and further increase their efficiency and relevance.
5. In that regard, it stresses the priority assigned since 2010 to the monitoring of local and regional democracy in the Council of Europe member states and to the observation of local and regional elections within the framework of its mission of promoting, protecting and developing local and regional democracy.
6. It recalls that the way to European integration is also through territorial cohesion, and considers it indispensable to continue strengthening inter-regional and transfrontier co-operation and to give the neighbourhood policy its full support.
7. It welcomes the support given by the Committee of Ministers to the reforms which it has set in motion, and the adoption by the Committee of Ministers on 19 January 2011 of the revision of its Charter and Statutory Resolution [CM/Res(2011)2], which will enable it to take its reforms forward.
8. Accordingly, the Congress undertakes:
 - a. to finalise the reforms which it commenced in 2008 and continued in 2009 and 2010;
 - b. to enter into a process of constant adaptation and improvement that will enable it to enhance its fulfilment of the fundamental Council of Europe values;
 - c. to embed its activities in the priority fields of action defined by the Organisation and, for that purpose, to develop selection criteria for the issues which it will address;

² Preliminary draft resolution approved by the Bureau of the Congress on 21 March 2011

Bureau members:

K. Whitmore, President of the Congress, *H. Van Staa*, President of the Chamber of Regions, *J-C. Frécon*, President of the Chamber of Local Authorities, *W. Carey*, *H. Skard*, *N. Romanova*, *G. Doganoglu*, *L. Sfirloaga*, *B. Collin-Langen*, *J. Fischerova*, *A. Knape*, *H. Pihlajasaari*, *O. Van Veldhuizen*, *S. Orlova*, *D. Suica*, *I. Sanchez Amor*, *F. Pellegrini*.

N.B : The names of members who took part in the vote are in italics

Bureau Secretariat: D. Rios, L. Taesch

- d.* to perform its function in accordance with the priorities of the Council of Europe, by aiding better co-ordination both in-house and with its European partners, particularly the Committee of the Regions of the European Union;
- e.* to centre its activities on the pursuit of constructive dialogue between central and government and local and regional authorities so that the latter are better able to meet their citizens' expectations and needs and to efficiently pursue multi level governance;
- f.* to sustain and support local and regional authorities so that they may fully perform their specific role in European integration;
- g.* to work in subjects that enable it to anticipate the future challenges with which local and regional authorities and European societies will be confronted;
- h.* to contribute more to the policy action of the Council of Europe by providing the Committee of Ministers and the other bodies of the Organisation with its information and recommendations on the status and the future of local and regional democracy and by placing at their disposal its expertise, its networks and its examples of best practice in all fields of action with a local or regional dimension;
- i.* to inform the Council of Europe bodies of its priorities adopted on a two-yearly basis;
- j.* to develop methods of cogent evaluation of the political work of an Assembly within the political dialogue with other assemblies;
- k.* to align its Rules of Procedure with the new structures and methods arising from the reform of the Congress and from the revision of its statutory texts, and make them a genuine, accessible, precise and transparent tool for the action of the Congress.

B. DRAFT RECOMMENDATION

1. In agreement with the other bodies of the Organisation, the Congress regards the existence of solid, effective local and regional democracy as one of the foundations of a true democratic society.
2. It emphasises the essential role of local and regional authorities in European integration, and recalls that the Council of Europe has always fully endorsed the principle of subsidiarity.
3. As the political assembly of the local and regional elected representatives of the 47 member states, it considers itself vested with a special responsibility in the development and the proper functioning of local and regional government in Europe.
4. It also recalls that the Warsaw Summit in 2005 instructed "the Congress of Local and Regional Authorities [to] continue to promote local democracy and decentralisation, taking into account the internal organisation of the countries concerned, so as to reach all levels of European society".
5. It welcomes the decision of the Committee of Ministers to adopt the revised Charter and Statutory Resolution of the Congress, and notes the undertaking of the Ministers' Deputies "to enhance and develop the role of local and regional authorities within the institutional structure of the Council of Europe".
6. In that respect, beginning in 2008, then in depth in 2009 and 2010, the Congress made an examination of its working structures and methods, in order to improve the effectiveness of its action, its impact and its transparency, and to refocus its activities on the promotion and protection of local and regional democracy in Europe.

7. It placed this reflection in the more general context of the Council of Europe reform process undertaken in 2010 by the Secretary General, Thorbjørn Jagland, with the backing of the Committee of Ministers.

8. It thereby signified its resolve to found its action on the essential values championed by the Council of Europe and the priority fields of activity identified in the context of the reform, so as to build up the best possible synergy within the Organisation.

9. It is convinced that by improving its transparency, responsiveness and effectiveness and the targeting of its activities, the Congress will be able to guarantee real consistency of its action with that of the Organisation and will represent an asset in the Council of Europe reform apparatus.

10. The Congress recommends that the Committee of Ministers:

a. continue giving the Congress support in its current reform process and encouragement in its new political and institutional orientations;

b. reaffirm the specific role of the Congress and its place in the work programme and priority actions of the Organisation;

c. consult the Congress on all questions with a local or regional dimension and avail itself more extensively and systematically of the resources, information, expertise and networks available to the Congress;

d. carry on the dialogue established when preparing its monitoring visits and its recommendations on the situation of local and regional democracy in the member states, by means which might include holding exchanges of views on the outcomes of these visits when circumstances require; this type of exchange of views could also be held on the reports on the observation missions of local and regional elections led by the Congress;

e. invite the member states to consider the validity of their reservations to the European Charter of Local Self-Government and the expediency of lifting them;

f. invite states which have not yet done so to ratify the European Charter of Local Self-Government;

g. invite states to sign the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority;

h. invite states to sign and ratify the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and the protocols thereto;

i. continue assuring the Congress of appropriate means to perform its tasks and its specific role in accordance with Budgetary Recommendation 289 (2010) adopted by the Congress, under the present budgetary policy of the Council of Europe.

C. EXPLANATORY MEMORANDUM

I Introduction

1. In 2008 the Congress began considering a radical revision of its structures and working methods.

2. At the same time, the Secretary General of the Council of Europe, Thorbjørn Jagland, who became head of the Council in 2009, launched a wide-ranging reform of the Organisation.

3. The Congress pursued its reforms further in 2009 and 2010 by taking some very concrete decisions. At its October 2010 session, it adopted Resolution 309(2010) and Recommendation 290(2010) on "The reform of the Congress: structure and working methods", transforming and streamlining its structures and simplifying the way it is run.

4. In the following phase, it prepared the revision of its statutory texts. The Committee of Ministers approved this revision on 19 January 2011³, thus enabling the Congress to implement the third phase of the reform.

5. This report aims to show the progress made on reform and the prospects for further change. It also explains how the changes made should allow the Congress to become more deeply embedded in a reformed Council of Europe, making for more effective action and more tangible results.

II Content of the reforms

6. In embarking on its reform process, the Congress had two goals: to become more efficient, responsive and transparent and to align its structures more closely with the Council of Europe's action.

Shift in focus

7. While embedding its activities more deeply in the core values championed by the Council of Europe – democracy, the rule of law and respect for human rights – the Congress has at the same time refocused on the Organisation's priorities, including good governance, interregional and transfrontier co-operation, territorial cohesion, sustainable development and intercultural dialogue, as reflected in the Utrecht Agenda.⁴

8. It has accordingly reorganised its activities around five main areas: monitoring, election observation, targeted assistance, the local dimension of human rights and thematic activities which are of a particularly topical nature.

9. It describes its priorities for 2011-2012 in Resolution 310(2010), adopted in October 2010. In this resolution, it undertakes in particular to avoid overlap and duplication and instead to develop good co-ordination with other Council of Europe bodies.

Enhanced monitoring

10. As from 2010, the activities relating to monitoring the European Charter of Local Self-Government have been stepped up. More frequent and more regular, since each member state will now be visited and evaluated every five years, these activities involve more political dialogue with the states concerned.

11. The composition of the delegations, the preparation and conduct of the visits and the drafting of the reports have been better codified to ensure greater transparency, more independence and impartiality, and a greater degree of legal expertise. Specific co-operation programmes may also be introduced with the states concerned to provide practical solutions to the problems identified and to improve local governance. By adopting a comparative approach of this kind, the Congress and the Council of Europe as a whole will be better able to cope with the challenges facing local and regional democracy in the member states.

12. Following the 16th Conference of Ministers responsible for local and regional governments in Utrecht in 2009, the Congress asked the monitoring delegations to also take into account the Reference Framework on Regional Democracy in those countries where regional structures exist.

³ Statutory resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised charter appended thereto.

⁴ Adopted by the Council of Europe Conference of Ministers responsible for Local and Regional Governments on 17 November 2009

Election observation

13. With the adoption of a new strategy and rules⁵ in June 2010, the election observation process is set to develop and expand: it is no longer confined to polling day alone but now covers the entire electoral process, including the preparations for the election and examination of the political, legal and media systems, with pre-electoral missions to become standard practice.

14. In addition, election observation is now dealt with in a report and a recommendation, followed by a debate, to be routinely taken into account as part of the monitoring process.

15. The Congress is in this respect also ready to develop targeted assistance activities designed to produce tangible results and an improvement in the way elections are organised in the states concerned.

More streamlined structures

16. As part of the effort to refocus its activities, the Congress has reduced the number of committees from 4 to 3, allowing it to concentrate more on monitoring local democracy and good governance and to be more responsive on topical issues. In the new structure, any state can be represented on each of the committees, making it easier, in particular, for smaller states to have a say.

17. The Congress's Standing Committee has furthermore been replaced by a Statutory Forum, made up of the heads of the national delegations and Bureau members, which will meet on an ad hoc basis.

More efficient functioning

18. The term of office of Congress members has been extended from two to four years, to ensure greater continuity in the work and to allow members to become more involved by making their experience available to the Congress for a longer period.

19. The political groups, meanwhile, have been invited to develop their own internal rules of procedure and to structure their work in such a way as to be able to make a more effective contribution to the Congress's activities.

20. All the members will be invited to play a more active role in the life and initiatives of the Congress. The aim is both to prevent simultaneous office-holding, in the case of some members, and to secure greater involvement by all.

21. Furthermore, the Congress wishes to move towards greater gender equality among its members. Thus from a threshold of 30% representation for all its members, it is now seeking to achieve a minimum participation of at least 30% of the under-represented sex among both its full members and its substitute members.

The Bureau, a more political institution

22. The Bureau, the Congress's executive body, has been expanded to include the chairs of the three new statutory committees and also the three political groups represented in the Congress.

23. Situated at the heart of the system, its role will be both more political and more decisive. It must see to it that the spirit of the reform is maintained, develop activities in keeping with its objectives, take the initiative in the priority fields of action and provide input from the Congress in any areas where its expertise allows it to add extra value.

⁵ Resolution 306(2010) on "Observation of local and regional elections – strategy and rules of the Congress", June 2010

III The third stage of the reform

Rules of procedure, a new working tool

24. With the revision of its statute and Charter, the Congress can now embark on the third stage of its reform. To this end, it has carried out a radical overhaul of its Rules of Procedure in order to bring them into line with its new structures and the tasks and priorities that it has set itself.

25. The new Rules of Procedure will thus need to clarify the position of each of the entities within the Congress and how they interrelate. In particular, the Rules will reflect the enhanced political role of the Bureau.

26. The current rules and procedures will be clarified, standardised, supplemented or, if necessary, abolished in order to make the Rules of Procedure more consistent, transparent and precise and turn them into a proper working tool.

27. The new Rules of Procedure will not only serve as a tool for Congress action but will also be more accessible and hence more useful to its members.

An actor in political dialogue at the Council of Europe

28. By providing itself with the means to operate in a more targeted and pro-active manner, the Congress is demonstrating its ability to be a useful and valuable partner for member states and Council of Europe bodies in any matters that have a local or regional dimension.

29. It believes that more systematic consultation and close dialogue with its various bodies would add extra value to the Council of Europe's activities.

30. It has a range of resources at its disposal – information, expertise, networks, examples of good practice and ground-breaking ideas – and a wealth of first-hand practical experience which it wishes to make available to individual states and the Council of Europe's activities.

31. Its aim is to encourage more systematic use of these resources and it believes that better and wider use of the available expertise would be an appropriate way of contributing to the Council of Europe's reform and of meeting the need for economy and quality that it implies.

32. It suggests that the reform be seen as an opportunity to introduce reasoned, systematic, regular institutional consultation of the Congress by the Committee of Ministers and by the Parliamentary Assembly in order to incorporate the local and regional dimension in any Council of Europe action.

33. It also wishes to assure the Committee of Ministers that it is committed to strengthening dialogue on the situation with regard to local democracy in Europe. More transparency in the way it performs its tasks, more visibility in its work and more communication of the information at its disposal should pave the way for more frequent discussions on situations of common concern or specific issues.

34. Likewise, the Congress believes there is a need to develop better co-ordination with the Council of Europe monitoring mechanisms as well as with the Council of Europe Conference of Ministers responsible for local and Regional Governments.

The Europe of 47 states, a "100% Charter area"

35. On acceding to the European Charter of Local Self-Government many states entered reservations, which at the time may have been justified owing to various incompatibilities with their legislation.

36. The Congress has observed that, in many cases, these reservations are now obsolete, thanks notably to positive developments and territorial reforms. It therefore wishes to encourage states to carry out an assessment of the situation in their respective countries so that they can identify any remaining obstacles to full accession.

37. In the context of its monitoring visits, the Congress intends to help states to carry out their assessments and to find practical solutions that would allow the reservations to be lifted.

38. For the Congress, the idea is to turn the 47 Council of Europe member states into a unified area where the Charter is observed and applied without discrimination, where local and regional self-government is exercised in an optimal manner, and where local and regional authorities are engaged in genuine dialogue and have constructive relations with central government.

Raising awareness of human rights

39. The Congress has made it a priority to take account of human rights at local and regional level. In 2008, it signed a joint declaration with the Council of Europe's Commissioner for Human Rights in which it undertook to make local and regional authorities aware of their responsibilities for the implementation of human rights and to create the conditions necessary for the exercise of these rights. The Congress contributes on the basis of indicators to better understand the human rights situation at local and regional level.

40. It is also working to introduce independent local and regional ombudsmen. Acting in close consultation with the Commissioner, the Congress could institute regular contacts with the networks of local and regional ombudsmen in Europe.

Forging closer ties with the European Union

41. The co-operation agreement between the Congress and the Committee of the Regions of the European Union was revised at the end of 2009 to strengthen ties between the two institutions. The aim is to develop more joint activities in the interests of greater consistency and complementarity. The Congress's priorities for 2011-2012, as set out in Resolution 310(2010), could be translated into a joint work programme with the commissions of the Committee of the Regions, primarily the Commission for Citizenship, Governance, Institutional and External Affairs (CIVEX).

42. Like the joint initiatives conducted in the field of ethics of elected officials, in particular the fight against corruption, numerous areas of mutual interest, such as respect for local competences by national and European authorities, the transfer of powers or the status of elected representatives, could be the focus of concerted action by the two institutions.

43. Monitoring local and regional democracy and election observation are already the focus of joint efforts. For example, the Committee of the Regions is represented in the delegations that take part in Congress election observation missions.

44. Regular working contacts have been established between the Congress and the European Union Agency for Fundamental Rights (FRA) on human rights issues. These contacts are pursued in the context of practical discussions between local elected officials and the Agency which provides expertise in this area.

IV Conclusion

45. The Congress is the only pan-European political assembly for local and regional elected representatives from the 47 member states of the Council of Europe. It represents the interests of over 200,000 local and regional authorities and as such has a special responsibility to uphold democracy, human rights and the rule of law at local and regional level.

46. In reforming itself, the Congress has undertaken to refocus on its core tasks for the benefit of local and regional authorities. More than ever, it wants to provide the 636 elected officials who make up the Congress with a forum for sharing ideas, experience and good practice, an opportunity to interact with national associations of local and regional authorities and tools for communication between local and regional government and national and European authorities.

47. The reform has also allowed the Congress to clearly demonstrate its commitment to supporting, and contributing to, the process of change under way within the Council of Europe. It has aligned its priorities with those of the Council, and has placed good governance, strengthening democratic institutions, development of local human rights protection mechanisms together with enhanced political dialogue with member states and better co-ordination with its partners at the heart of its activities. By doing so, the Congress is following on from the Council of Europe's work to build a stable and democratic Europe that respects the rule of law and human rights.

48. By helping local and regional authorities to fully perform their tasks, the Congress is making its own specific contribution to the process of building Europe and the challenges that that involves.