

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## **Resolution 170 (2004)<sup>1</sup> on the verification of credentials of new members and new appointment procedures**

The Congress,

1. Pursuant to its revised Charter (hereinafter “the Charter”) adopted by the Committee of Ministers on 15 March 2000;
2. Having regard to Articles 2, 3 and 4 of the Charter, the first transitional provision of the Charter and Rules 2, 3 and 9 of the Congress’s Rules of Procedure;
3. Noting the report of the Bureau of the Congress presented by rapporteurs Halvdan Skard (Norway, L, SOC) and Günther Krug (Germany, R, SOC);
4. Bearing in mind that 2004 is a year in which national delegations are to be renewed and, moreover, is the final year for renewing delegations before the expiry in 2006 of the first transitional provision of the Charter,
5. Deplores the fact that once again, there have been considerable delays for several countries in providing full details of their appointment procedures and their delegations’ membership;
6. Regrets the absence of the Georgian delegation to the Congress since 2 December 2002 and the lack of any national appointment procedure in conformity with the Charter for this country;
7. Regrets the fact that the Albanian and Azerbaijani authorities have still not revised their appointment procedure despite the requests to that effect contained in Resolution 130 (2002), Resolution 150 (2003) and previously in Resolution 107 (2001) in the case of Azerbaijan;
8. Considers that the form for presenting the procedures for the appointment of delegations should be reviewed before the revision of the Charter in 2006 in order to obtain all the detailed information necessary to understand the procedures in question and determine whether they are in conformity with all the criteria laid down in the Charter;<sup>2</sup>
9. Notes the decision of the Parliamentary Assembly to grant Special Guest status to the Principality of Monaco and expresses its readiness to welcome, in accordance with Article 5.2 of the Charter of the Congress, at their request, a Special Guest delegation comprising two representatives, including one woman, and two substitutes, from the local authorities of the Principality;
10. Takes note of Parliamentary Assembly Resolution 1376 (2004) on Cyprus, adopted on 29 April 2004, in which the Assembly expresses its profound disappointment at the failure of the efforts of the international community to put an end to the division of the island, considers it unfair, as a result, for the Turkish Cypriot community “to continue to be denied representation in the European political debate..., and therefore decides to associate more closely elected representatives of the Turkish Cypriot community in the work of the Parliamentary Assembly and its committees..., and integrated to the Cypriot delegation”;
11. Decides to follow a similar policy to that of the Parliamentary Assembly and to involve representatives of the Turkish Cypriot community in the work of the Congress and its committees, as part of the Cypriot delegation and in line with the practice of the Parliamentary Assembly of the Council of Europe; and furthermore asks both communities to co-operate with a view to reviewing before the plenary session in 2005, the procedure for appointing the Cypriot delegation and the composition of the delegation so as to make provision for one seat for a full member and one seat for a substitute from the elected representatives of the local authorities in the Turkish Cypriot community;
12. Approves the new appointment procedures for the national delegations of Estonia, Slovakia, Sweden, and the United Kingdom;
13. Asks the Lithuanian authorities to review their procedure for appointing members to the Chamber of Regions and to clarify their mandates by 15 September 2004 in the light of Article 2 of the Charter and the first transitional provision, and decides that since no true regional self-government bodies exist in this country, all these members should, as from this session, have only consultative status in the Chamber of Regions and that Appendix 2 of the Rules of Procedure should be revised accordingly;
14. Asks the Moldovan authorities, in the light of the information report on local democracy in Moldova (CG/BUR (10) 103), for further information on the structure and functioning of districts in order to ascertain whether this level complies with the criteria set out in Article 2.4 of the Charter of the Congress;
15. Asks the Bulgarian authorities, in the light of the objections raised by the National Association of Bulgarian Municipalities, to review as soon as possible, and in any case before 15 September 2004, the process of consulting the competent associations, their appointment procedure and the membership of their national delegation so as to bring them into conformity with all the criteria set out in the Charter and paying special attention to the equitable representation of the various political forces within the delegation in the light of the results of last local elections;
16. Notes that the holding of local and/or regional elections in certain countries on a date close to the holding of the session has meant that certain countries have been unable to review the composition of their national delegation

in time for this session, and reminds these countries that representatives who lose their electoral mandates may not remain members of the Congress for longer than six months after doing so;

17. Reiterates the requests already made to the Finnish and French authorities in Resolution 130 (2002), (paragraphs 8.a and 8.b of the resolution, respectively), both of which will shortly be making changes to their national delegations following the local and regional elections in their countries;

18. Expresses its regret that some seats remain vacant in certain national delegations, thereby depriving the Congress of full representation of the local and regional elected representatives of these countries;<sup>3</sup>

19. Notes an improvement in the representation of women in national delegations following the adoption by the Bureau of an interpretation of Article 2.2.d of the Charter and decides to formally adopt this interpretation as set out in the appendix to this resolution; further decides to monitor strictly compliance with this criterion when examining the composition of any new delegation, but draws the attention of National Delegations to the fact that for the next renewal of delegations in 2006, the Congress wishes that all delegations include a minimum of 30% women;

20. Invites, accordingly, national delegations to include in their national appointment procedure this criterion for the participation of women and asks them to inform the Congress as a matter of course following each local and/or regional election in their country of the percentage of women elected at those levels;

21. Expresses its regret that some countries have not provided the Congress with the requested information on the percentages of women elected at local and regional level in their countries and that some delegations still have an insufficient number of women, and asks these countries (Azerbaijan, Hungary and Poland) to rectify the situation before the next plenary session;

22. Notes with satisfaction that the Swiss authorities are to increase the number of women in their delegation following the local by-elections in their country;

23. Instructs the Bureau to continue its deliberations on the revision of the Charter of the Congress in the light of the forthcoming expiry of the first transitional provision concerning the electoral mandate of members, with a view to the preparation of a report to be submitted to the 2005 plenary session with detailed proposals to be forwarded to the Committee of Ministers of the Council of Europe;

24. Draws the attention of the authorities of countries still availing themselves of the first transitional provision for some members of their national delegation to the fact that they must be prepared to conform to the letter with the criteria set forth in the Charter once this transitional provision expires in 2006 and that until then they must comply fully with the interpretation of this transitional provision adopted on 9 March 2001 by the Standing Committee of the Congress, appended to this resolution;

25. Considers that in conformity with Articles 3 and 7 of the Charter, all member states should appoint national delegations with an equal number of representatives and substitutes and an equal number of members in each chamber; furthermore, all countries which have regions within the meaning of Article 2.4 of the Charter<sup>4</sup> should appoint an equal number of representatives in each chamber if they have an even number of seats in the delegation and numbers as close as possible if they have an odd number of seats in their delegation;

26. Subject to the requests made in this resolution to a number of delegations, approves the appointment procedures and credentials of the forty-four national delegations.

## Appendix 1

### **Interpretation of Article 2.2.d of the Congress Charter: representation of women in national delegations**

It is understood by “equitable representation of women and men in the statutory bodies of local and regional authorities in the member state” that the national delegations shall submit to the Secretariat of the Congress, with the composition of the delegation, the percentage of women elected members in the country’s local and regional authorities (indicating the last election results for each tier) and shall accordingly appoint to the delegation an equivalent or higher percentage of women. Moreover, the delegations composition should aim to include a minimum of 30% women.

Furthermore no national delegation, even if small in size, may be accepted unless it includes representatives of both sexes.

These clarifications could be included at the same time as any future restructuring of Congress regulations.

## Appendix 2

### **Opinion on the interpretation of the first transitional provision of the Charter of the Congress<sup>5</sup>**

1. Following the renewal of the Italian delegation in November 2000, the Bureau had to consider whether the mandate of Ms Dini (Italian delegation) complies with the first transitional provision of the Congress Charter. This prompted the Bureau to propose to the Standing Committee to interpret this transitional disposition, which was inserted in the Charter in March 2000.

2. On 15 March 2000, at the 702nd meeting of the Ministers’ Deputies, the Committee of Ministers of the Council of Europe adopted Statutory Resolution Res(2000)1 relating to the Congress of Local and Regional Authorities of Europe and the Congress Charter. Article 2 of the Charter provides that, except as provided for in the Charter’s first transitional provision, “the CLRAE shall be composed of representatives who shall be chosen from

among holders of a local or regional authority electoral mandate”.

3. The Standing Committee considers that, in drawing up and adopting such a provision, the Committee of Ministers and the Congress intended to reduce the number of Congress representatives directly responsible to a local or regional authority and, as soon as possible, no longer to allow member states to send such persons to represent them in the Congress. However, in order to allow certain national delegations to adjust their internal procedure for appointing representatives to the Congress, a transitional provision was adopted at the time as an exception to Article 2. The first transitional provision reads as follows: “As an exception to Article 2, paragraph 1, non-elected persons responsible to an elected local or regional body may be representatives in the Congress, provided they can be dismissed individually by, or following a decision of, the aforesaid directly elected body and that such a power of dismissal is stipulated by law.”

4. In the Standing Committee’s view, this provision is intended to apply to a limited number of specific cases, such as Dutch mayors and commissioners, Turkish governors and Spanish, Italian and German members of regional governments who do not hold direct elective office, but are appointed either by the central government or by elected regional executive authorities. This provision is to be re-examined after six years.

5. Bearing in mind the purpose, aim and spirit of the Charter, the Standing Committee points out that in order to invoke the transitional provision, an appointed (and not elected) member of a local or regional government must have been a member of this government and must have held a general mandate in a local or regional authority prior

to being appointed as a member of the national delegation to the Congress.

This means that the candidate’s mandate must be a part of his or her general duties as a member of a local or regional executive body. The sole office of representative of a local or regional government to the Congress, even if decided by an elected body, is not sufficient for acceptance as a member of the Congress. In addition, as specified in the first transitional provision, this member must be directly responsible to an elected local or regional elected body and subject to individual dismissal by, or following a decision of, that body and such power of dismissal must be stipulated by law.

6. In view of the foregoing, the Standing Committee approves the interpretation of the transitional provision of the Charter as set out in paragraphs 3, 4 and 5 of this opinion. This interpretation of the Charter’s first transitional provision shall apply to all appointments to national delegations to the Congress as from the next session in May 2001.

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1. Debated and adopted by the Congress on 25 May 2004, 1st Sitting (see Document CG (11) 2, draft resolution presented by H. Skard (Norway, L, SOC) and G. Krug (Germany, R, SOC), rapporteurs).
  2. In particular, in describing their procedures, countries should make a list of all the associations of local and regional authorities which are consulted, indicate after each local or regional election the results in terms of the percentage of the vote won by the different political parties and the percentage of women elected.
  3. Bosnia and Herzegovina, Netherlands, Poland, Switzerland.
  4. All member states except Andorra, Armenia, Bulgaria, Cyprus, Estonia, Iceland, Liechtenstein, Luxembourg, Malta, San Marino, Slovenia and “the former Yugoslav Republic of Macedonia”.
  5. Appendix to Resolution 107 (2001) – discussed by the Congress and adopted on 29 May 2001, 1st Sitting (see Document CG (8) 1, draft resolution presented by H. Skard and L. Kieres, rapporteurs).

