

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

Resolution 107 (2001)¹ on verification of the appointment procedures and of the credentials of new members of national delegations and special guest delegations to the CLRAE

The Congress,

1. Having regard to:

a. Resolution 89 (2000) on verification of the appointment procedures and composition of national delegations and special guest delegations to the CLRAE;

b. the report of the Bureau (CG/Bur (7) 92 rev.) to the Standing Committee dated March 2001 on the action taken by each national delegation in response to the requests in the resolution and the replies received following the report's adoption;

c. the Opinion on the interpretation of the first transitional provision of the Charter of the Congress, approved by the Standing Committee at its meeting of 9 March 2001, which came into force at the start of the present session (CG/CP (7) 25 rev.) (appended);

2. Welcomes the arrival in the Congress of the new national delegations of Armenia and Azerbaijan, following these two countries' accession to the Council of Europe (the number of seats designated for these delegations is four and six respectively);

3. Welcomes the new composition of the Special Guest delegation of Bosnia and Herzegovina, which includes members from the country's various entities, and notes that the official procedure for appointing members provides for local authority associations to be consulted;

4. Makes the following remarks:

a. regarding the procedures for appointing members of delegations:

i. notes with satisfaction that, in accordance with the requests made by the Congress in Resolution 89 (2000), the Albanian and Lithuanian authorities have submitted new procedures to the Congress which meet the criteria of the new charter;

ii. regrets that "the former Yugoslav Republic of Macedonia" has not yet notified the Congress of a new official appointment procedure compatible with Article 3, paragraph 1 of the new charter, which requires national associations of local authorities to be consulted when national delegations are being established;

iii. invites the Georgian and Azerbaijani authorities to bring their official appointment procedures into line with Article 3, paragraph 1 of the new charter, which requires national associations of local authorities to be consulted when national delegations are being established;

iv. invites the Slovenian authorities to revise the composition of the Slovenian delegation to the Congress to enable the country's two existing local authority associations, the Assembly of Slovenian Towns and Municipalities and the Association of Slovenian Municipalities, neither of which currently has the status of a national association, to be represented in the delegation (the change to take place at the latest before for the 9th Plenary Session of Congress in 2002);

v. also invites the Cypriot authorities to take into account the request made by the Union of Communities of Cyprus to be represented in their country's delegation;

vi. more generally, calls on all national delegations that have not yet done so to set out their procedure for appointing members in a single document, use the official form prepared by the Congress secretariat for any official notifications, taking care to specify clearly the names of the associations and/or institutions consulted about the composition of their delegations, and provide this information within the agreed deadlines to assist the Bureau of the Congress in making decisions about delegations;

b. regarding the presence of women in national delegations:

i. notes that there are two women in the Liechtenstein delegation as substitutes, that there is now one woman in the Estonian delegation and in the Irish delegation, and that a woman was appointed to the Romanian delegation when it was renewed;

ii. notes with regret the absence of women from the national delegations of Malta, Austria and Belgium;

iii. firmly requests these countries to include as soon as possible and at the latest before the next plenary session (2002) women in their delegation;

iv. recalls that, according to Article 2, paragraph *d* in the Appendix of the Congress's Charter, the membership of each member state's delegation to the CLRAE shall be such as to ensure equitable representation of women and men;

v. considers that, as a general rule, the local authority associations of member states involved in appointing national delegations should encourage women's participation in those delegations, despite the low level of female participation in local and regional public life in several countries that emerges from national delegations' replies;

c. regarding representation in the Chamber of Regions:

i. welcomes the fact that following the requests made by Congress in Resolutions 75 (1999) and 89 (2000), the

Georgian authorities have appointed a member of the Supreme Council of the Adjarian Autonomous Republic (Union for Revival) as a full member of the Chamber;

ii. welcomes the Azerbaijani authorities' appointment of a representative of the Supreme Assembly (*Ali Majlis*) of the Nakhichevan Autonomous Republic as a full member of the Chamber and notes that one of the substitute seats to the Chamber of Regions remains vacant and that this should in principle be awarded to the Nakhichevan Autonomous Republic;

iii. notes that the new members of the Armenian and Azerbaijani delegations (other than Mr Vahid Agahasanov) will be represented in the Chamber and its bodies in an advisory capacity;

iv. asks the Ukrainian delegation to ensure that the Republic of Crimea is represented in the Chamber in time for the 9th Plenary Session of the Congress, in conformity with Article 2, paragraph 2.b of the Congress Charter;

d. regarding members' political affiliation, invites the delegations of the Russian Federation and San Marino to supply the Congress with information on their members' political affiliations;

e. concerning the electoral mandate of members of national delegations:

i. invites all the national delegations to take note of the opinion on the interpretation of the first transitional provision of the Charter of the Congress approved by the Standing Committee at its meeting of 9 March 2001, which came into force at the start of the current session (CG/CP (7) 25 rev.), and take it into account when renewing delegations;

ii. notes that, in the absence of the supplementary information requested on 30 March 2001, the credentials of Ms Adela Maria Barrero Florez, Director General of European Affairs of the Asturias Autonomous Community, cannot be accepted, and invites the Spanish authorities to appoint another substitute member to the Chamber of Regions;

iii. reminds the concerned delegations that under Rule 4, paragraph 3 of the Congress's Rules of Procedure, representatives of these delegations who have lost their electoral mandate may not remain members of the CLRAE for longer than six months after the loss of their mandate;

5. Approves the appointment procedures and the mandates of the new members received since the last plenary session of Congress, subject to the requests made to certain delegations in the present resolution.

Appendix

Opinion on the interpretation of the first transitional provision of the Charter of the Congress

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.

1. Debated by the Congress and adopted on 29 May 2001, 1st Sitting (see Doc. CG (8) 1, draft resolution presented by Mr H. Skard and Mr L. Kieres, rapporteurs).