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The promotion of local self-government along Council of Europe borders

Recommendation 1770 (2006)

Reply from the Committee of Ministers
adopted at the 1003rd meeting of the Ministers' Deputies (5 September 2007)

1. The Committee of Ministers has noted with attention Parliamentary Assembly Recommendation 1770 (2006) on "The promotion of local self-government along Council of Europe borders", which it has transmitted to the member states' governments as well as to the Steering Committee on Local and Regional Democracy (CDLR). The comments submitted by the CDLR are appended to the present document.

2. The Committee of Ministers welcomes the Parliamentary Assembly's support for the Council of Europe's activities in the field of local and regional democracy. It acknowledges the role that local and regional authorities have to play in developing co-operation with countries bordering the Council of Europe, sharing its experiences, raising awareness and promoting the Council of Europe's core values.

As regards paragraphs 11.1 and 11.2

3. In line with the Assembly's recommendation, the Committee of Ministers invites those member states that have not yet done so to consider signing and/or ratifying the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (the "Madrid Convention") and the two protocols thereto (ETS Nos. 159 and 169). It welcomes France's recent ratification of the European Charter of Local Self-Government as well as the recent adoption by the National Assembly of Serbia of the law of ratification of the Charter¹ and urges Andorra, Monaco, Montenegro and San Marino to consider signing and/or ratifying the Charter as soon as possible.

As regards paragraphs 11.3 to 11.7

4. As regards the Assembly recommendations that measures be taken to open and to promote the Madrid Convention and the European Charter of Local Self-Government in respect of non-member states bordering the Organisation, as well as other activities mentioned, the Committee of Ministers is convinced that, at least at this juncture, priority must be placed on the European dimensions of the Organisation's mission. In particular, focus should be placed on implementation of the Agenda for delivering good local and regional governance, adopted at the 14th session of the Conference of European Ministers responsible for local and regional government (Budapest, 24-25 February 2005), by promoting standards and good practices and by assisting member states with capacity building at the local and regional level, in close co-operation with the Congress.

¹ Information received from the Serbian delegation: law of ratification adopted on 24 July 2007.

Appendix to the reply

Comments by the Steering Committee for Local and Regional Democracy (CDLR) on Parliamentary Assembly Recommendation 1770 (2006) on “The promotion of local self-government along Council of Europe borders”

The CDLR notes with interest the recommendation. The CDLR approves the principles mentioned by the Parliamentary Assembly in it and in particular:

- the importance of local democracy for better ensuring that the principles of democracy prevail in political institutions, and the fact that the Council of Europe has always made sure that true local democracy is respected in its member states (paragraph 1);
- the role of international co-operation at all levels, and particularly among local and regional authorities (paragraph 2);
- the fact that the Council of Europe and the continent of Europe must not seal themselves off inside their delineated area (paragraph 4);
- the fact that local democracy and local self-government could pave the way to more fully developed co-operation with countries bordering the Council of Europe area (paragraph 6).

In this context, the CDLR would like to draw the attention to the fact that certain legal instruments of the Council of Europe and the intergovernmental work on local and regional democracy already have an impact well beyond the borders of the Council of Europe. The European Charter of Local Self-Government inspires the States of Latin America in similar standard-setting processes on local self-government as well as the recent work of the United Nations, to be examined by the Nairobi conference of 2007.

The CDLR, like the Parliamentary Assembly, is aware that certain member states have yet to complete their internal reforms to establish local democracy fully in line with the provisions of the European Charter of Local Self-Government (paragraph 7). Through the programme of assistance activities implemented by the Secretariat and the Centre of Expertise for Local Government Reform, supported by the Third Summit, every effort is made to reduce delays and discrepancies.

The following considerations concern the concrete recommendations:

- 11.1: The proposal to invite all member states having not already done so to sign and/or ratify the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities is approved.
- 11.2: Signature/ratification of the European Charter of Local Self-Government is an obligation for certain member states having acceded to the Council of Europe, and they must, therefore, make every effort to honour their commitments. It may be noted that France has recently stated it will ratify this convention.
- 11.3: The opening of the European Charter of Local Self-Government for signature to non-member states was not envisaged by this instrument; amending the Charter in respect of this by a protocol would be a long and complex procedure, and its outcome uncertain. The Madrid Convention, on the other hand, is open to European non-member states. It is for the Committee of Ministers to use Article 10 of this Convention where circumstances justify.
- 11.6: The Parliamentary Assembly's suggestion on the establishment of political agreements which enable co-operation on local democracy to be developed with the countries adjoining Council of Europe member states is addressed to the Committee of Ministers. The legal framework may already exist, as in the case of the Madrid Convention, or it may be envisaged on a case-by-case basis. For example under the draft European Convention containing uniform law on territorial groupings of transfrontier co-operation, local authorities of non-contracting member states or non-member states may, under certain conditions, accede to transfrontier groupings.
- 11.4/11.5/11.7: The CDLR is already committed to promoting the Council of Europe *acquis* in the field of local and regional democracy in its member states, where, logically, it focuses its attention. Any awareness-raising or promotion initiative in non-member states would require human and material resources that the Council of Europe does not have.