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THE ROLE OF THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE

Abstract: *The need for lower territorial forms of government appeared in the early fifties of the last century when the Conference of Local Authorities was founded. However, in the seventies, with the emergence of increasing regionalization, there was a need and advocacy for greater democracy of local and regional dimensions. Great recognition of local and regional democracy came in 1985 when the European Charter of Local Self-Government was adopted, while in the early nineties, the Congress of Local and Regional Authorities of the Council of Europe was established, which replaced the previous Conference of Local Authorities. Since then, the democratic aspect of the division of power into local and regional has been advocated increasingly in Europe. Throughout the history of signatory states, it can be seen how membership contributes to local and regional self-government development. Since then, Congress has established several instruments to preserve and promote democracy at lower levels of government. To consolidate territorial democracy, and to ensure the uniform application of local and regional democracies, the Congress strengthened cooperation with member states and established three committees that evaluate national legal frameworks, exchange good practices, and guide local and regional democracies of signatory states. At the same time, the Congress ensures the protection and respect of fundamental political and civil rights and freedoms. Delegating numerous authorities to lower territorial units means bringing the government closer to citizens, and their participation. The additional protocol to the European Charter of Local Self-Government, adopted in 2009 as an amendment to the European Charter of Local Self-Government, gives all citizens the right to participate in local government affairs. All the mentioned factors and instruments show that regional democracy is impossible without regional autonomy, and the European Charter of Local Self-Government serves as a source of inspiration for countries that decide to*

establish or reform their local and regional authorities, as well as a guideline and guiding thought for signatories who already act according to it. By comparing different local democracies with the same key principles, we can see how the proper functioning of local democracies is ensured, which represents one of the foundations for peace and stability within the European Union. All these factors contribute to one of the key fundamental values of the European Union, which is strengthening democracy.

Transferring authority to lower territorial forms promises the development of democracy. With the development of society, the need for local and regional authorities is increasing, and the future is reflected in the democracy of local and regional self-government forms.

This paper aims to bring closer the significance of the Congress of Local and Regional Authorities, as a body responsible for strengthening democracy and bringing democracy closer to every citizen and to compare the level of democracy in countries that signed the European Charter of Local Self-Government.

Keywords: *democracy, local, regional, Congress, European Charter of Local Self-Government.*

1. INTRODUCTORY CONSIDERATIONS

After the Second World War, Europe was in the physical and economic ruins of the war. Enormous suffering and destruction caused a deep division of the continent, as well as great tensions between East and West. Because of this universal division, a tendency appears for unity and cooperation to restore the sufferings of war, but at the same time to prevent future conflicts. The term “Council of Europe” was first coined by British Prime Minister Winston Churchill during the Second World War. In October 1942, he declared: „However distant this goal may seem today, I firmly hope that the European family will act in close community in the Council of Europe...”¹ The Council of Europe was founded in London in 1949. The main tasks of this first international organization founded after the Second World War were certainly the strengthening of democracy, human rights, cooperation, and the rule of law.

The subject of the descriptive treatment of the initial part of this work is the historical context of the establishment of the Council of Europe, where we will find out what factors led to its establishment and at the same time find out what the bodies of the Council of Europe are by inductive reasoning. The changes that shaped this institution over the years will also be analyzed. In the second part of

¹ Pasat, A. O., Comparative Study: European Council – Council of the European union – Council of Europe, *Perspectives of Law and Public Administration*, Vol. 10., Special Issue, 2021., p. 184.

the paper, we will consider the structural parts of one of the bodies of the Council of Europe, and analyze its composition, that is, the relationship of the Congress of local and regional authorities to other bodies of the Council. In the last parts, we will analyze the role and tasks of the Congress, and in particular we will focus on the European Charter on Local Self-Government and its application in the Republic of Croatia, and using the method of description and comparison, we will examine the lessons learned and draw lessons, that is, conclusions for future periods.

All methods and analyses used are aimed at showing the features of the Congress of Local and Regional Authorities of the Council of Europe in the creation and strengthening of local democracy and proving the fact that the transfer of authority to lower territorial units promotes the development of democracy.

2. COUNCIL OF EUROPE

The Council of Europe is an international organization of 46 member states, and the main tasks of this body are to strengthen democracy, the protection of human rights, and the rule of law in Europe. From the idea behind the establishment to the establishment and the changes it has experienced over the years, this organization is one of the keys to numerous changes on the European continent. Although they are considered derived subjects of international public law, international organizations have a prominent role in international society, representing a form of harmonization of the efforts of states towards international cooperation.²

The Council of Europe has accepted numerous international treaties, the most important of which is the European Convention for the Protection of Human Rights and Fundamental Freedoms, based on which the European Court of Human Rights operates. In the beginning, only Western European countries belonged to the Council of Europe, and today it covers almost the entire European continent and some Asian countries (Armenia, Azerbaijan, Georgia, and Turkey) and has a total of 46 member states; Croatia has been a member since November 6, 1996. Its seat is in Strasbourg, and the most important bodies are the Committee of Ministers, the Parliamentary Assembly, and the Congress of Local and Regional Authorities.³

2.1. The historical context of the establishment of the Council of Europe

After the end of the Second World War, Europe was ravaged by a devastating conflict that took place mainly on the European continent. Because of this, European countries were determined to strengthen their economy, regain their influence

² Vataman D.: *Organizatii europene i europolitice*, Ed. Lumina Lex, Bucharest, 2008., p. 13

³ The Council of Europe. *Croatian encyclopedia, online edition*. Miroslav Krleža Lexicographic Institute, 2013. – 2024. <https://www.enciklopedija.hr/clanak/vijece-europe> accessed 28.4.2024.

and take all measures to avoid such a disaster in the future.⁴ The term „Council of Europe“ was first coined by British Prime Minister Winston Churchill during World War II. In October 1942, he declared: „As distant as this goal may seem today, I firmly hope that the European family will act in a close community in the Council of Europe. I am looking forward to and wish for the creation of the United States of Europe in which every smooth journey will be possible. I hope that the economy of Europe will be studied as a whole. I hope to see a Council that will bring together perhaps 10 nations, including the former great powers...”⁵ Duncan Sandys, British politician, and former minister in several governments, Winston Churchill’s son-in-law, encouraged the launch of movements aimed at Western European unity. These movements came together in a group called the „International Committee for the Coordination of Movements for the Unification of Europe“, which met on May 7-10, 1948 in The Hague, a congress attended by 800 people from 19 countries.⁶ At the last session of the congress, the „Message to the Europeans“ was adopted, written, and read by Denis de Rougemont: „Together tomorrow we will be able to build [...] the greatest political party and the greatest economic community of our time.“ Human history has never seen a stronger community of free people. War, fear and misery have never been controlled by a more formidable adversary.”⁷ The message also contained some requirements that had to be fulfilled: the adoption of measures for the integration of the economies of the participating countries, recommended by the Economic Commission; the creation of a European Assembly elected by universal suffrage; the opening of united Europe towards Germany; adoption of the Charter of Fundamental Rights; establishment of the supreme court, the establishment of the European cultural center for children and youth.⁸

2.2. The Role of the Council of Europe

According to Article 1. a), Chapter I of the Statute of the Council of Europe, „The aim of the Council of Europe is to achieve greater unity between its members in order to preserve and promote the ideals and principles that are their common heritage and to encourage their economic and social progress.”⁹ The Council of Europe has jurisdiction in all areas related to European society, except in matters

⁴ Passat, A.O., *ibid.*

⁵ Escobescu N., Nitelea M.: *Manualul Consiliului Europei Autonomus Direction „Official Monitor“*, Bucharest, 2006., p. 32., apud., Vataman D., *op. cit.*, p. 28

⁶ *Les Pionniers de l'Europe communautaire*, Centre de recherches europeennes de l'universite de Lausanne, 1968., preface d'Henri Rieben, apud., Vataman D., *op. cit.* p. 29

⁷ Vataman D., *op. cit.*, str. 29

⁸ *Ibid.*

⁹ Council of Europe, Statute of Council of Europe, <https://rm.coe.int/1680306052>, accessed 29.4.2024.

of national defense, as follows from Article 1 d), Chapter I of the Statute of the Council of Europe. Since its establishment in August 1949, the Council has been a force for peace and cooperation in the common European heritage, human rights, and democracy. “Human rights and pluralistic democracy, the rule of law and the security of citizens, the fight against racism, xenophobia, and intolerance, the protection of national minorities, social cohesion and quality of life, cultural cohesion and cultural pluralism, judicial cooperation, these are all interests of the Council of Europe.”¹⁰

2.2.1. Human rights

As a central mission, the Council of Europe permanently promotes and ensures fundamental human rights and freedoms, by creating a system of effective control and protection of fundamental human rights and freedoms; recognizing the dangers that threaten human rights and human dignity; community awareness of the value of human rights and; by promoting learning about human rights. To achieve the protection of fundamental human rights and freedoms, the Council of Europe concluded the European Convention on Human Rights; the European Social Charter; the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; The Framework Convention for the Protection of National Minorities, but also many other conventions, contracts and agreements, which are intended to protect the 800 million inhabitants of Europe.

2.2.2. Legal Cooperation

From a legal point of view, the Council of Europe makes an important contribution to the harmonization of washing systems on the European continent, based on the rules adopted within the organization. The main purpose is to strengthen the stability and development of state bodies and democratic procedures at the national level and to promote respect for the rule of law. Legal cooperation between organizations and European states supports the cost-effectiveness of justice by reducing procedures, fighting corruption, and organized crime, and finding ways to solve new problems arising from scientific and technological progress.

In the context of legal cooperation, the Council of Europe adopts conventions that bind the states that ratify them (members or non-members), or recommendations that set guiding principles. Due to the discussions within the Committee of Legal Advisers for Public International Law, the organization made a significant contribution to the development of public international law and reached an agreement on different points of view. This Committee is the only pan-European body in which lawyers from the Ministries of Foreign Affairs present their views on

¹⁰ Vataman D., op. cit., p. 37

the progressive development and codification of public international law. This committee meets twice a year, with the main objectives of developing the role of international public law; establishing a framework for international cooperation to strengthen the role and influence of international public law by expressing the views and experiences of lawyers of member states; analyzing the news of international law and confronting experience and practice; studying the work of other bodies in the legal field and developing common positions of member states.

2.2.3. Promoting democracy

Another key goal of the organization is to promote and strengthen local and regional democracy in the member states so that the state functions properly. “The activities undertaken to achieve this goal are carried out on several complementary levels, namely: conducting a continuous exchange of information and experiences between member states on issues related to local and regional democracy; protection and promotion of cultural and spiritual diversity at the local and regional level; supporting member states, especially those in Central and Eastern Europe, in implementing reforms and strengthening their democratic system; expansion of cooperation between ministers responsible for local and regional public administration issues; promoting cross-border cooperation as an effective means of strengthening democratic security and stability and as an important factor in building trust between neighboring countries; actively supporting the goals of the Stability Pact for Southeastern Europe to develop local democracy and cross-border cooperation”.¹¹

2.2.4. Education

In the field of education, the Council of Europe contributes to the identification of the main educational problems in the context of the new Europe; evaluates actions, instructions, and alternatives of educational policies in Europe; facilitates dialogue at the European level between the involved partners, through the exchange of information, propagates new concepts and positive models. The programs of the Council of Europe, in the field of education and culture, are administered by a committee dealing with issues of education, higher education and research, culture, and cultural heritage. The Bologna process is the most valuable and extensive reform in the field of higher education, registered by the Council of Europe, to establish a sphere of European higher education by 2010, after which properly recognized qualifications; a goal that is reflected in six directions, precisely established in the Bologna Declaration: „a system with easily recognizable and comparable levels; a system based in principle on two cycles: one relevant to the

¹¹ Ecobescu N., Nitelea M.: op. cit., str. 234.-235., apud Vataman D.: op. cit., p. 44.

labor market, with the second requiring the completion of the first cycle; credit accumulation and transfer system; mobility of students, teachers, researchers, etc.; cooperation for quality assurance; European dimension of higher education“.¹²

3. HISTORICAL ASPECT OF THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

The Congress of Local and Regional Authorities of the Council of Europe is an assembly of representatives of local authorities representing the countries of the Council of Europe. This is the oldest such institution of a pan-European nature.¹³ The Congress gathers representatives of local and regional authorities, representing a total of more than 200,000 local authorities from 47 member states of the Council of Europe. This fact means that, despite its (mainly advisory) jurisdictional limitations, the Congress has an important role in the development of international cooperation of local authorities.

From the very beginning of the existence of the Council of Europe, one of its priorities was the promotion of local governments. Therefore, the history of the Congress begins in the 1950s of the 20th century. One of the first incentives for the creation of a pan-European institution that gathers local self-government representatives was the decision made at the Assembly of the Council of Europe on June 9, 1955.¹⁴ Then, based on the Resolution of the Committee of Ministers of the Council of Europe of January 12, 1957, the first session of the European Conference of Local Authorities was held in Strasbourg. It was the first body of its kind in Europe, and in 1961 it received the status of an auxiliary body of the Council of Europe. Then, in 1979, it was named the Permanent Conference of Local and Regional Authorities of Europe.¹⁵ Another important step was the adoption of the European Charter on Local Self-Government on October 15, 1985, which became the basis for further sustainable development of the body that gathers representatives of local and regional authorities.¹⁶ Congress also became involved in restoring peace in the former Yugoslavia by taking action specifically at the local level, as it later did in the South Caucasus, where it established “Local

¹² European Higher Education Area, Bologna Declaration 1999., https://www.ehea.info/media.ehea.info/file/Ministerial_conferences/02/8/1999_Bologna_Declaration_English_553028.pdf accessed 20.4.2024.

¹³ Kaminski M.A.: *The Role of the Congress of Local and Regional Authorities of the Council of Europe (CLRAE) in International Cooperation in Local Authorities*, Białostockie Studia Prawnicze, Vol. 12, p. 35.

¹⁴ Recommendations 76. (1955) <https://pace.coe.int/en/files/14108> accessed 29.4.2024.

¹⁵ Kaminski M.A.: op. cit., p. 36.

¹⁶ Ibid.

Democracy Agencies” and encouraged local elected representatives to engage in dialogue and joint work.¹⁷

3.1. Structure of Committees of the Congress of Local and Regional Authorities

The work of the Congress is organized into three committees: the Supervisory Committee, the Management Committee, and the Current Affairs Committee. The Committee for Respecting the Obligations and Undertaken Obligations of the Member States of the European Union on Local Self-Government (Supervision Committee) is responsible, in particular, for monitoring the application of the Charter as well as the development of regionalization in Europe, for preparing reports on the situation of local and regional democracy in Europe, and for monitoring specific issues related to local and regional democracy in member states. The management committee is responsible for tasks that fall within the scope of the statutory mandate of the Congress, such as governance, public finance, cross-border cooperation and interregional cooperation, e-democracy, and citizen participation and cooperation with intergovernmental bodies. The current affairs committee is responsible for studying the role of local and regional authorities in terms of the main challenges of our society and preparing work on thematic issues.

The Congress also established a Standing Committee consisting of the heads of all national delegations and 17 bureau members, in order to act on behalf of the Congress between sessions.¹⁸

An important role in fulfilling the mission of the Congress is played by the Group of Independent Experts, which prepares reports and other documents through which the Congress acts as a political body. Experts are mostly recruited from the academic community and are appointed for a term of four years.¹⁹

3.1.1. Monitoring Committee

The Committee for Respecting the Obligations and Obligations of the Member States of the European Charter on Local Self-Government (Monitoring Committee) is responsible for monitoring the application of the European Charter on Local Self-Government and its additional protocol on the right to participate in the affairs of local authorities by the member states of the Council of Europe that

¹⁷ Congress of Local and Regional Authorities, Origins and history, on [{%2229886548%22:\[0\],%2229886575%22:\[0\]}](https://www.coe.int/en/web/congress/origins-and-history#) accessed 2.5.2024.

¹⁸ Congress of Local and Regional Authorities, Bringing democracy to your doorstep in the heart of our cities and regions, <https://rm.coe.int/the-presentation-leaflet-of-the-congress-of-local-and-regional-authori/1680a0e997> accessed 29.4.2024.

¹⁹ Škarica M.: Croatia and comparative public administration, Vol. 14., No. 1., 2014., p. 298.

have ratified these legal instruments. It organizes monitoring visits and draws up reports and recommendations on the state of local and regional democracy in the respective member states and also examines specific issues related to local and regional democracy. Through post-monitoring, political dialogue ensures that its recommendations to member states are followed up.

The Committee contributes to the post-monitoring dialogue and develops, as necessary, targeted assistance programs on issues of common interest identified during monitoring visits, to provide concrete assistance to local and regional authorities and ensure effective follow-up of its recommendations.²⁰

3.1.2. Governance Committee

The Governance Committee is responsible for legal and political issues related to the effective development of good governance and democracy at the local and regional levels.

As part of its mandate, the Governance Committee prepares reports, including a resolution and/or recommendation for adoption by Congress. Following the priorities set by the Congress, it can also propose activities to the Office for the Advancement of Local and Regional Democracy, and organize conferences, debates, and other events on issues related to its work program.

In the framework of its activities, the Committee closely cooperates with the relevant structures and bodies of the Council of Europe, in particular with the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly and relevant subsidiary bodies of the Committee of Ministers, such as the European Committee for Democracy and Governance (CDDG) and its subcommittees.²¹

3.1.3. Current Affairs Committee

The Current Affairs Committee is responsible for researching the role of local and regional authorities in contributing to the core values of the Council of Europe concerning the main challenges of society. It fulfills this function by working on thematic issues such as social cohesion, civic participation, including youth participation, integration of migrants, intercultural and interreligious dialogue, sustainable development, or selected issues of the fight against discrimination and human rights at the local and regional level. Recently, new challenges have surfaced to which Congress has responded – particularly through its Current

²⁰ Congress of Local and Regional Authorities, Monitoring Committee, <https://www.coe.int/en/web/congress/monitoring-committee> accessed 21.4.2024.

²¹ Congress of Local and Regional Authorities, Governance Committee, <https://www.coe.int/en/web/congress/governance-committee> accessed 21.4.2024.

Affairs Committee – by developing guidelines for coherent and effective policies to prevent radicalization, manage migration flows, and improve integration policies.

As part of its mandate, the Committee on Current Affairs prepares reports, including resolutions and/or recommendations that are presented for adoption during Congressional sessions. It organizes discussions on current challenges and developments, as well as emergencies and crises affecting local and regional authorities of the member states of the Council of Europe, to propose concrete answers.²²

3.2. Composition of the Congress of Local and Regional Authorities

The Congress consists of two houses: the House of Local Authorities, which represents local authorities, and the House of Regions, which represents regional authorities.²³ There are 306 permanent members and 306 deputies. All are appointed for four years and represent more than 130,000 local and regional authorities in 46 member states of the Council of Europe. National delegations to the Congress consist of representatives of local and regional authorities of 46 member states of the Council of Europe.²⁴

4. EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT

The European Charter of Local Self-Government is the culmination of a series of initiatives and many years of discussion within the Council of Europe. Protecting and strengthening local autonomy in Europe through a document that explains the principles accepted by all the democratic states of Europe is a long-standing ambition in local government circles. Moreover, it was recognized at an early stage that the goal of such a text should be to be adhered to by those whose primary role is to defend local autonomy, namely governments. The Council of Europe, guardian of human rights and advocate of the principles of democratic government, was an obvious framework for the drafting and adoption of such an instrument. All the more so because already in 1957 it showed how much it valued the importance of local authorities by establishing a representative body

²² Congress of Local and Regional Authorities, Current Affairs Committee, <https://www.coe.int/en/web/congress/current-affairs-committee> accessed 21.4.2024.

²³ Statutory Resolution CM/Res(2020)1 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168099817d> accessed 22.4.2024.

²⁴ Congress of Local and Regional Authorities, Bringing democracy to your doorstep in the heart of our cities and regions, <https://rm.coe.int/the-presentation-leaflet-of-the-congress-of-local-and-regional-authori/1680a0e997> accessed 22.4.2024.

for them at the European level, which has since become the Permanent Conference of Local and Regional Authorities of Europe (CLRAE). Indeed it was the CLRAE that, with its Resolution 64 (1968), proposed the Declaration on the Principles of Local Autonomy and invited the Committee of Ministers of the Council of Europe to adopt it. The Committee of Ministers adopted the European Charter of Local Self-Government in the form of a convention in June 1985. Recognizing the fact that the impetus for the adoption of the Charter originally came from the Standing Conference of Local and Regional Authorities of Europe, it was decided that the Convention should be opened for signature on 15 October 1985, on the occasion of the 20th Plenary Session of CLARE.²⁵

The Charter represents the first internationally binding agreement in the field of local self-government, and the signatory states of the Charter, by adopting it, recognize the European principles of local and regional self-government in their national legislation. In the Republic of Croatia, which is a member of the Council of Europe, the European Charter of Local Self-Government entered into force on February 1, 1998, but was fully accepted only in May 2008. The Charter consists of 18 articles divided into three parts.²⁶ To date, it has been ratified by all 46 member states of the Council of Europe.

4.1. Monitoring the implementation of the European Charter of Local Self-Government

Although the European Charter of Local Self-Government was designed in such a way as to provide member states with sufficient flexibility in its adoption²⁷, which at the same time implies that each party is considered bound by at least twenty provisions of the Charter, but also that no reservation can be placed on ten provisions, the Charter as an international treaty is binding on the party states to the extent that they have ratified it. The Congress of Local and Regional Authorities of the Council of Europe is responsible for monitoring the application of the provisions of the Charter, as well as for evaluating the state of local and regional democracy in the member states of the Council of Europe, and consequently for strengthening the role of local self-government.²⁸

²⁵ Congress of Local and Regional Authorities, European Charter on Local Self-Government, <https://rm.coe.int/european-charter-of-local-self-government-hrv-a6/1680a07d84> accessed 23.4.2024.

²⁶ Glumac K.: Application of the provisions of the European Charter on Local Self-Government – the principle of subsidiarity, *Conference Proceedings International Conference Development of Public Administration (Proceedings of the Development of Public Administration)*, Vol. 2014., p. 170.

²⁷ Blagojević A., Tucak I.: *Legal and institutional framework of Croatian local self-government*, Osijek, Faculty of Law, 2021., p. 31.

²⁸ Blagojević A., Tucak I., Zima P.: op. cit., p. 32.

This „unique institution in Europe“ (the Congress of Local and Regional Authorities of the Council of Europe) ensures with its activities the correct application of the provisions of the Charter, intending to harmonize local self-government in the territory of the member states, but also with the general aim of strengthening democracy and protecting human rights as one of the most important goals of establishing the Council of Europe. The aforementioned monitoring activities include (i) visits to member states for the purpose of monitoring, after which appropriate reports are drawn up by the Monitoring Committee, then examination of certain aspects of the Charter, and monitoring of local and regional elections. So far, the Congress has passed over a hundred reports for the purpose of monitoring.²⁹

4.1.1. Monitoring the application of the Charter in the Republic of Croatia

Until now, Croatia has been monitored on several occasions as part of the Congress' monitoring activities, namely in 1996, 1998, 2007, and 2016, but also in the context of local elections in 1997 and 2001. Monitoring of the implementation is published on the websites of the Council of Europe, that is, the Congress, and along with it comes recommendations in terms of advice for better implementation of the Charter. The Republic of Croatia became the 40th member state of the Council of Europe on November 6, 1996, ratified the Charter on October 11, 1997, while it became binding on February 1, 1998. While the text and recommendations of the first two reports were dictated by time and legal factors related to the fact that at the time of the first visit of the rapporteur, Croatia was not a member of the Council of Europe, and therefore not a signatory to the Charter (1996), that is, to the fact of the existence of the “old” constitutional and the legal framework of Croatian local self-government and the non-ratification of all provisions of the Charter during the second visit (1998), which was followed by a new constitutional and legal regulation of local and regional self-government. In contrast to the first two reports on the state of local and regional democracy in Croatia, which showed serious and systematic deficiencies in the system of local self-government and administration at the time, and which particularly emphasized the ambiguities regarding the distribution of powers between different levels of government, the third report from October 2007 exudes a general assessment of the obvious inclination of all levels of government in Croatia to the principle of decentralization and of achieving great progress thanks to the new constitutional (Amendment of the Constitution in 2000) and legal framework (since 2001).³⁰

The delegation of the Congress of Local and Regional Authorities, consisting of the rapporteurs Gobnait Ni Mhuimneacain (Ireland, ILDG) and Cecilia Dalman

²⁹ Blagojević A., Tucak I., Zima P.: op. cit., p. 33.

³⁰ Blagojević A., Tucak I., Zima P.: op. cit., p. 34.

Eek (Sweden, SOC/G/PD) made a supervisory visit to Zagreb, Čakovec, Varaždinske Toplice and Rakovec from June 13 to 15, 2023, to evaluate the application of the European Charter of Local Self-Government in Croatia from the previous monitoring report adopted by the Congress in 2016. The reporter was accompanied by proff. George Coucounis, member of the Group of Independent Experts on the European Charter of Local Self-Government (Cyprus).³¹

This is the fourth report on the application of the European Charter of Local Self-Government in Croatia since the country ratified it in 1997. The reporters note with satisfaction the implementation of significant legal changes in the area of local and regional (regional) self-government in recent years. These include the delegation of administrative functions to the counties following the abolition of state administration offices in the counties, ongoing tax reform, and incentives for voluntary mergers. However, the report raises several issues of concern regarding the weak administrative and revenue-generating capacity of many small municipalities and cities, the lack of financial resources available to local and regional authorities, the unclear demarcation of responsibilities, and the lack of effectiveness of the financial equalization mechanism. Finally, the Government is invited to sign and ratify, shortly, the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of local authorities (CETS No. 207).³²

5. CONCLUSION

Man's tendency has always been unity and cooperation to maintain peace. Numerous historical events influenced the establishment of the first such organization in Europe; the Council of Europe. From the idea to the establishment, and over the years, this organization has experienced numerous changes. There are several central guidelines, that is, the role played by the Council of Europe; these are certainly concerned with human rights, legal cooperation, promotion of democracy, and education.

Historically, the changes that took place on the European continent led to the creation of lower territorial units, and thus to the need for the establishment of bodies that would take care of them. The Congress of Local and Regional Authorities of the Council of Europe is a body organized into three committees; Supervisory

³¹ Congress of Local and Regional Authorities, News 2023, <https://www.coe.int/en/web/congress/-/council-of-europe-congress-assesses-the-application-of-the-european-charter-of-local-self-government-in-croatia> accessed 24.4.2024.

³² Report, CG(2024)46-18, Monitoring of the application of the European Charter of Local Self-Government in Croatia, https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680aecea2 accessed 29.4.2024.

Committee, Management Committee, and Current Affairs Committee. Each of the committees has a corresponding task. The composition of the Congress should have been mentioned in the paper, namely the two houses; House of Local Authorities and House of Regions. The House of Local Authorities represents the local government, while the House of Regions represents the regional authorities of the member states.

One of the tasks of this body is monitoring the application of the European Charter of Local Self-Government, which was opened for signature in 1985, and 46 member states have ratified it so far. The aforementioned Supervisory Committee supervises the application of the charter in each member state and submits a report to the member state after the supervision. The last monitoring took place in June 2023, and I was a member of the Croatian national delegation at a joint meeting with the Congress delegation. I had the opportunity to see first-hand what questions the members of the Congress delegation ask the national delegations. The questions are very detailed, and the members of the Congress delegation demand extensive and exhaustive answers.

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Улога Конгреса локалних и регионалних власти Савета Европе

Сажетак: Потребна за нижим територијалним нивоима власти јавила се почетком педесетих година прошлог века кад је основана Конференција локалних власти. Међутим, седамдесетих година, са појавом све веће регионализације, развила се и потреба и залагање за већи степен демократије на локалним и регионалним нивоима. Велико признање локалне и регионалне демократије остварено је 1985. године када је усвојена Евројска повеља о локалној самоуправи, док је почетком деведесетих година основан Конгрес локалних и регионалних власти Савета Европе, који је заменио дошаташњу Конференцију локалних власти. Од тада се у Европи све више заговара демократски аспект поделе власти на локалну и регионалну. Кроз историју држава уговорница може се видети како чланство доприноси развоју локалне и регионалне самоуправе. Од тада, Конгрес је успоставио неколико инструмената за очување и унапређење демократије на нижим нивоима власти. Да би учврстио територијалну демократију и обезбедио јединствену примену локалних и регионалних демократија, Конгрес је ојачао сарадњу са државама чланицама и успоставио три комитета који оцењују националне правне оквире, размењују исцешну праксу и усмеравају локалне и регионалне демократије држава уговорница. Истовремено, Конгрес обезбеђује заштитну и поштовање основних политичких и грађанских права и слобода. Делетирање бројних овлашћења на ниже територијалне јединице значи приближавање власти грађанима и њихово учешће. Додатни пројекат Евројске повеље о локалној самоуправи, усвојен 2009. године као измена и допуна Евројске повеље о локалној самоуправи, предвиђа право свих грађана да учествују у пословима локалне самоуправе. Сви наведени фактори и инструменти показују да је регионална демократија немогућа без регионалне аутономије, а Евројска повеља о локалној самоуправи служи као извор инспирације државама које одлуче да успоставе или реформишу своје локалне и регионалне власти, као и смерница и мисао водила за државе уговорнице које већ постоје. Упоредивањем различитих локалних демократија са истим кључним принципима можемо видети како се обезбеђује правилно функционисање

локалних демократија, *што* представља и један од *темеља* мира и *стабилности* унутар Европске уније. Сви ови *фактори* доприносе једној од *фундаменталних вредности* Европске уније, а *то* је *јачање демократије*.

Преношење *власти* на *ниже територијалне нивое* гарантује *развој демократије*. Развојем *друштва* повећава се *потреба* за локалним и *регионалним властима*, а *будућност* се *одеља* у демократији *различитих облика* локалне и *регионалне самоуправе*.

Овај рад има за *циљ* да *приближи значај Конгреса* локалних и *регионалних власти* као *дела одговорног* за *јачање демократије* и *приближавање демократије* сваком *грађанину*, као и да *уједи* *ниво демократије* у *земљама* *уговорницама Европске* *повеље о локалној самоуправи*.

Кључне речи: демократија, локално, регионално, Конгрес, Европска повеља о локалној самоуправи.

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