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(Final version)

The role of national parliaments in successful decentralisation processes

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A. Draft Resolution

1. The Parliamentary Assembly reaffirms the essential role of decentralisation in making public service more responsive to local needs, promoting an accountable exercise of power and building trust in public authorities. Decentralisation has the capacity to improve the well-being of everyone, consolidate democratic systems and promote inclusive growth. All 47 Council of Europe member States have ratified the European Charter of Local Self-Government (ETS No. 122), thereby recognising that local democracy is a shared European value.
2. The Assembly welcomes the decision of the Croatian Chairmanship of the Committee of Ministers (18 May-21 November 2018) to include decentralisation among its priorities, as this provides a valuable opportunity to take stock of good practice and lessons learned, and to give a new impetus to decentralisation in the Council of Europe member States.
3. Against this backdrop, the Assembly is concerned about the current trend of decentralisation processes stalling or being reversed in some countries.
4. The Assembly notes that some decentralisation processes have not succeeded in achieving their stated objectives, due either to inadequate consultation of citizens, local authorities and their associations, to insufficient or too limited devolution of competences, or to a discrepancy between the devolved responsibilities and available financial resources. A high level of political polarisation in some countries has also created substantial obstacles for such reforms.
5. The Assembly is convinced that local and regional democracy must be further strengthened as an essential precondition to the well-being and democratic security of our societies, and highlights the importance of developing policies that build on past experiences, are forward-looking and allow for ongoing adaptation.
6. The success of decentralisation depends, to a great extent, on the quality of the political processes by which new agreements to transfer competences, funding and staff are negotiated, endorsed and implemented in practice. Parliaments are elected to represent the will of the people and must be central actors in such processes, as guarantors of general interest.
7. In the light of the above, the Assembly calls on the Council of Europe member States to reinforce their support of decentralisation through their laws, policies and practices, and in particular recommends that they:
 - 7.1. with respect to national, federal and regional parliaments:
 - 7.1.1. involve parliaments in the development and implementation of decentralisation reforms from the very beginning and at all stages of the process, including in monitoring and evaluation;

- 7.1.2. take measures to ensure that, once voted, decentralisation processes are implemented as planned (subject to changes dictated by evolving experience), in the interest of the populations concerned, and are not unreasonably rolled back because of changing parliamentary majorities. This can include the setting up or the consolidation, where they exist, of permanent parliamentary committees, monitoring bodies, joint government/parliament committees or multi-partner platforms entrusted with overseeing decentralisation processes;
- 7.1.3. ensure that the rules of procedure of relevant committees include specific provisions on the organisation of consultations with local authorities, including full access for local authority representatives to all relevant documents and a possibility to present written opinions on draft legislation;
- 7.1.4. support the organisation of comprehensive and effective consultations on decentralisation issues, bringing together associations of local and regional authorities, non-governmental organisations and citizens, in particular on draft laws to be discussed in parliament;
- 7.1.5. enshrine in legislation the key mechanisms of decentralisation, including those dealing with consultation, the definition of competences of different levels of government, capacity building for public servants and matching the financial and fiscal capacities of local and regional authorities with their responsibilities, in line with the provisions of the European Charter of Local Self-Government, in particular the principle of local self-government;

Amendment 1

**Tabled by Ms Melisa RODRÍGUEZ
HERNÁNDEZ, Mr Antonio GUTIÉRREZ
LIMONES, Mr Jordi ROCA, Mr Carles
JORDANA, Ms Carmen LEYTE**

In the draft resolution, paragraph 7.1.2, after the words "in the interest of the populations concerned," insert the following words: "with full respect for national constitutional orders and the rule of law,".

Amendment 4

**Tabled by Mr Serhii KIRAL, Ms Olena
SOTNYK, Mr Vladyslav GOLUB, Ms Nino
GOGUADZE, Mr John HOWELL**

In the draft resolution, paragraph 7.1.5, delete the words "matching the financial and fiscal capacities of local and regional authorities with their responsibilities".

Amendment 5

**Tabled by Mr Serhii KIRAL, Ms Olena
SOTNYK, Mr Vladyslav GOLUB, Ms Nino
GOGUADZE, Mr John HOWELL**

In the draft resolution, after paragraph 7.1.5, insert the following two paragraphs:

" - ensure that the financial and fiscal capacities of local and regional authorities match the responsibilities being transferred in the process of decentralisation. This will guarantee the stability and continuity of quality public services committed to by the State and provided by local authorities to citizens. - strengthen popular confidence in local democracy by ensuring that local authorities dealing with decentralisation have political legitimacy. In this regard, facilitate the organisation of local elections in a timely manner, and introduce proper safeguards to prevent the unjustified delay of the electoral process at the local/regional level."

Amendment 8

**Tabled by Mr Valeriu GHILETCHI, Mr Egidijus
VAREIKIS, Mr Giorgi KANDELAKI, Mr Boriss**

7.2. with respect to the statutory framework:

7.2.1. provide adequate legal guarantees to ensure that local authorities may implement their powers effectively and without obstacles;

7.2.2. establish or strengthen the regulatory framework for ensuring financial stability of local and regional authorities and a fair distribution of public financial resources between the different tiers of government;

7.2.3. establish or strengthen equalisation mechanisms to ensure a degree of solidarity between better-off and less well-off authorities throughout the country, while avoiding penalising the most successful and efficient local authorities for their efforts;

7.2.4. ensure the existence of well-designed decision-making procedures for the reform of boundaries and/or structures of local and regional authorities;

7.2.5. guarantee equality of access to public services across sub-national entities;

CILEVIČS, Mr Georgii LOGVYNSKYI, Mr Serhiy LABAZIUK

In the draft resolution, after paragraph 7.1.5, insert the following paragraph:

"strengthen the efficiency of public services by ensuring adequate representation of local communities and indigenous peoples in legislatures, including through positive measures, in particular, guaranteed seats."

Amendment 6

Tabled by Ms Esther MUÑOZ, Mr José CEPEDA, Mr Jaime GONZÁLEZ TABOADA, Ms Melisa RODRÍGUEZ HERNÁNDEZ, Mr Jordi ROCA, Ms María Concepción de SANTA ANA

In the draft resolution, after paragraph 7.2, insert the following paragraph:

"ensure the principle of institutional loyalty is a fundamental pillar in any decentralisation process, recognised and included in the legislation;"

Amendment 7

Tabled by Ms Esther MUÑOZ, Mr José CEPEDA, Mr Jaime GONZÁLEZ TABOADA, Mr Jordi ROCA, Ms María Concepción de SANTA ANA, Ms Carmen LEYTE

In the draft resolution, at the end of paragraph 7.2.1, insert the following words: "stabilising a control mechanism that ensures compliance with transfer agreements among different administrations".

Amendment 2

Tabled by Ms Melisa RODRÍGUEZ HERNÁNDEZ, Mr Antonio GUTIÉRREZ

LIMONES, Mr Jordi ROCA, Mr Carles JORDANA, Ms Carmen LEYTE

In the draft resolution, replace paragraph 7.2.5 with the following paragraph:

"ensure equality of access to public services across sub-national entities is at the core of any decentralisation process."

- 7.3. with respect to capacity building, public awareness and co-operation:
 - 7.3.1. run awareness-raising and information campaigns to promote broader participation in public debate on decentralisation, including the use of e-participation tools;
- 7.4. with respect to Council of Europe instruments and institutions:
 - 7.4.1. ensure the full implementation of the recommendations of the Congress of Local and Regional Authorities of the Council of Europe resulting from their monitoring missions to member States of the Council of Europe and roadmaps prepared within the framework of Congress post-monitoring activities in order to fully comply with the commitments under the European Charter of Local Self-Government;
 - 7.4.2. withdraw the existing reservations to the provisions of the European Charter of Local Self-Government; sign and ratify the Additional Protocol to the Charter on the right to participate in the affairs of a local authority (CETS No. 207); and ensure the direct applicability of the Charter in domestic legal systems;
 - 7.4.3. sign and ratify – as appropriate – the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106, "Madrid Convention") and its three Protocols;
 - 7.4.4. make full use of Committee of Ministers' "Guidelines for civil participation in political decision making" (CM(2017)83-final);
 - 7.4.5. make full use of the capacity-building tools for good governance developed by the Centre of Expertise for Local Government Reform, such as the tools on the 12 Principles of Good Governance, and of the assistance and guidance available through the European Committee on Democracy and Governance (CDDG).
- 8. For its part, the Assembly resolves to further strengthen its co-operation with the Congress of Local and Regional Authorities, in particular through the work of the Assembly's General Rapporteur on Local and Regional Authorities, and continued dialogue between the monitoring bodies of the Assembly and the Congress. The Assembly also resolves to continue to be involved in the work of the European Committee on Democracy and

Amendment 3

**Tabled by Ms Melisa RODRÍGUEZ
HERNÁNDEZ, Mr Antonio GUTIÉRREZ
LIMONES, Mr Jordi ROCA, Mr Carles
JORDANA, Ms Carmen LEYTE**

In the draft resolution, paragraph 7.4.2, delete the words "withdraw the existing reservations to the provisions of the European Charter of Local Self-Government;"

Governance with a view to sustaining and facilitating dialogue with governments and promoting decentralisation goals.