



Centre of Expertise for Local Government Reform

Alina Tatarenko

Head of the Centre of Expertise for Local Government Reform

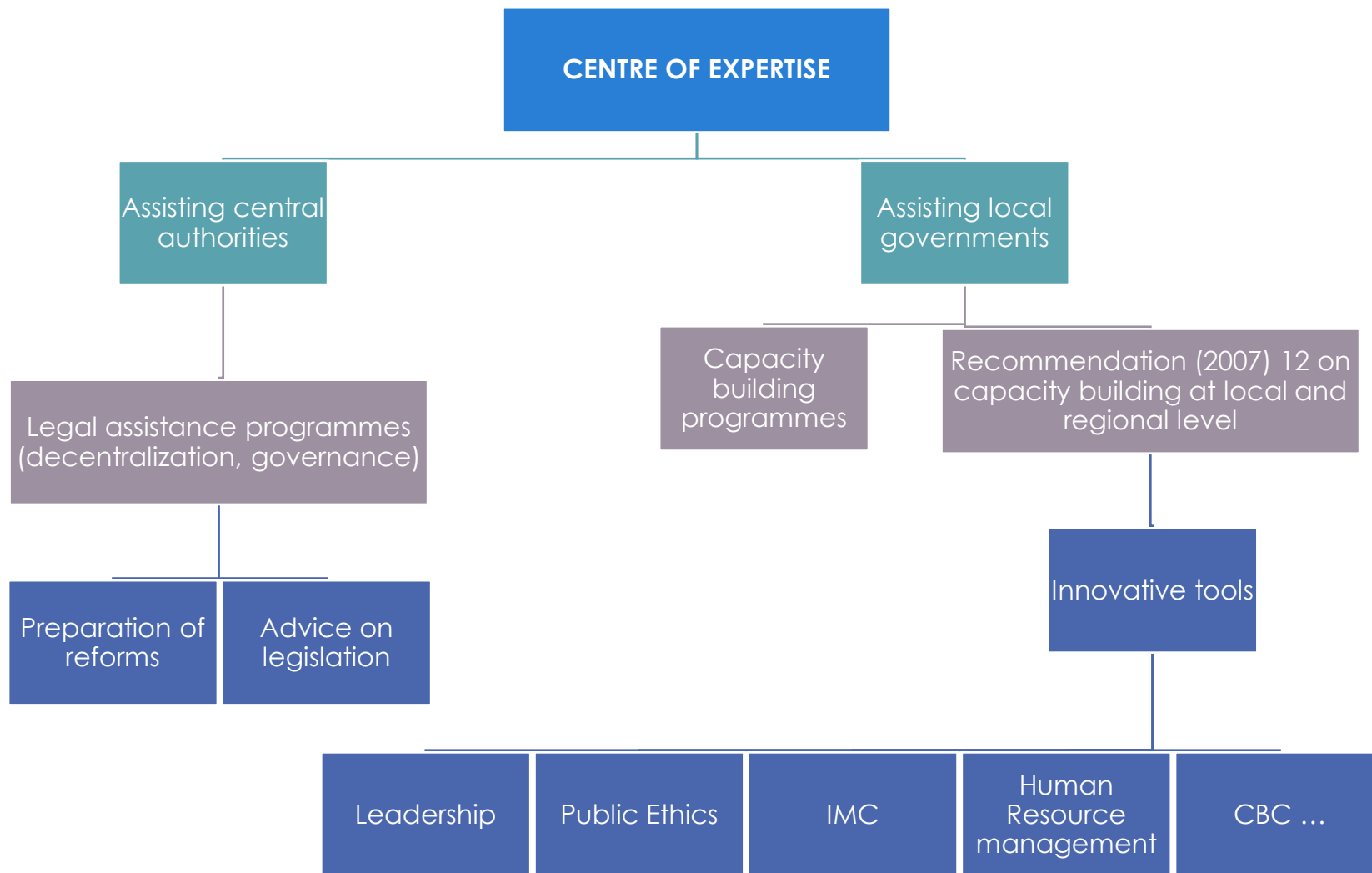


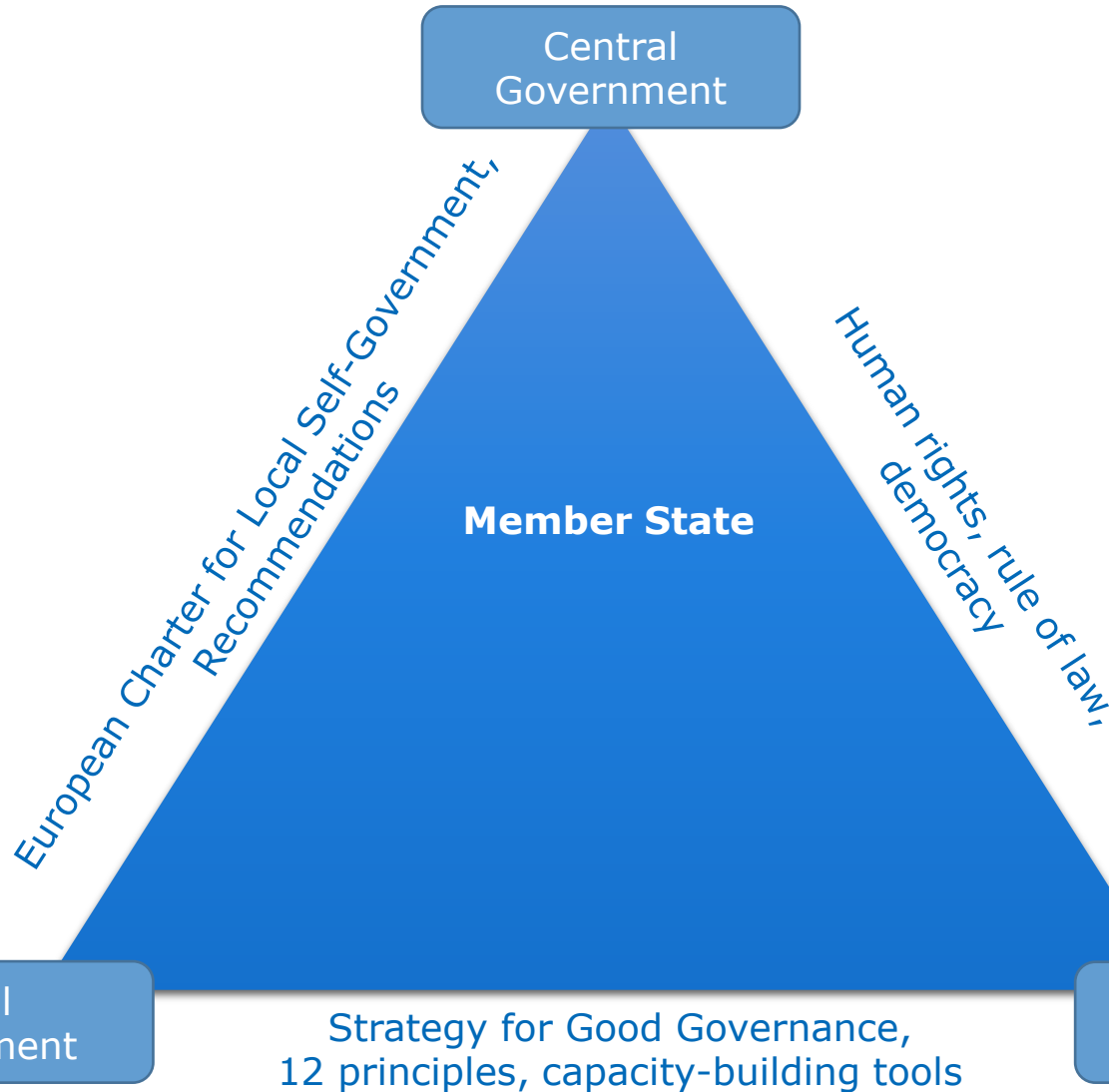
CENTRE OF EXPERTISE
FOR LOCAL GOVERNMENT REFORM

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE





Strategy on Innovation and Good Governance at local level (Valencia Declaration 2007)

- Good governance is a requirement at all levels of public administration. At local level it is of fundamental importance because local government is closest to citizens and provides them with essential services and it is at this level that they can most readily feel ownership of public action.
- The aim of the Strategy is to mobilise and stimulate action by national and local stakeholders so that citizens in all European countries benefit from good governance, through the continuously improving quality of public services, engagement of the population and policies that meet their legitimate expectations.

The 12 Principles of Good Democratic Governance

- Represent the fundamental values of European democracy and requirements for good democratic governance at the local level.
- By reference to the 12 principles, local authorities from all CoE member States can improve their governance on a continual basis.
- Public services provided by local authorities are financed by local residents through local taxes. The citizens expect their local authority in return to respond to their expectations, to be effective, accountable, transparent and responsive.

1. Participation, Representation
Fair Conduct of Elections
2. Responsiveness
3. Efficiency and Effectiveness
4. Openness and Transparency
5. Rule of Law
6. Ethical Conduct
7. Competence and Capacity
8. Innovation and Openness to
Change
9. Sustainability and Long-term
Orientation
10. Sound Financial
Management
11. Human rights, Cultural
Diversity and Social Cohesion
12. Accountability

The 12 Principles and related tools



Video:

<https://www.youtube.com/watch?v=ao0qAoApT1M>

Website:

<http://www.coe.int/en/web/good-governance/12-principles-and-elope>



For each of the 12 Principles of Good Democratic Governance, the following information is provided in the benchmark:

- A description of the good governance Principle and a list of the activities that would typically help a municipality to deliver that Principle;
- A self-assessment section where municipalities are asked to identify their level of maturity for that Principle.
- Evidence to support the self assessment provided by the municipality.

A municipality would be expected to:

- read the information provided for each Principle;
- consider the evidence they have available which would support the delivery of the Principle;
- make a self-assessment of their maturity for that Principle; and
- record the evidence they would wish to offer in support of their self-assessment.

ELoGE

Brochure

1. Participation, Representation, Fair Conduct of Elections
2. Responsiveness
3. Efficiency and Effectiveness
4. Openness and Transparency
5. Rule of Law
6. Ethical Conduct
7. Competence and Capacity
8. Innovation and Openness to Change
9. Sustainability and Long-term Orientation
10. Sound Financial Management
11. Human Rights, Cultural Diversity and Social Cohesion
12. Accountability

12 Principles of
Good Democratic
Governance

-
European Label of
Governance'
Excellence
(ELoGE)



Step 1

- Self-Evaluation - 3 Questionnaires
 - 1. Level of compliance of the 12 Principles (Self-evaluation)
 - 2. Opinion, satisfaction of citizens (Citizen Survey)
 - 3. Opinion, satisfaction of politicians (Interviews with elected local officials)

Step 2

- Assessment of results from questionnaires through external experts
- Report, feedback, ranking, selection, follow up measures

Step 3

- EloGE award ceremony, promotion, publication, exchange, improvement plans

The European Label for Governance Excellence – ELoGE - is symbolised by a crystal dodecahedron engraved with the twelve European principles of good governance, the Council of Europe logo and the date of the award.



Dodecahedron is a polyhedron composed of 12 regular pentagonal faces. It is a platonic solid, associated with the fifth element, ether. Plato believed that "God used it in the delineation of the universe."

One of the proposed shapes of the Universe is the Poincaré dodecahedral space.

Dodecahedrons are used in sacred geometry, alchemy, maths, architecture, and arts.

Representation and Participation, Fair Conduct of Elections

- Local elections are conducted freely and fairly, according to international standards and national legislation, and without any fraud.
- Citizens are at the centre of public activity and they are involved in clearly defined ways in public life at local level.
- All men and women can have a voice in decision-making, either directly or through legitimate intermediate bodies that represent their interests. Such broad participation is built on the freedoms of expression, assembly and association.

- All voices, including those of the less privileged and most vulnerable, are heard and taken into account in decision-making, including over the allocation of resources.
- There is always an honest attempt to mediate between various legitimate interests and to reach a broad consensus on what is in the best interest of the whole community and on how this can be achieved.
- Decisions are taken according to the will of the many, while the rights and legitimate interests of the few are respected.



Responsiveness

- Objectives, rules, structures, and procedures are adapted to the legitimate expectations and needs of citizens.
- Public services are delivered, and requests and complaints are responded to within a reasonable timeframe.

Centre of Expertise Tools

- Modern Leadership for Modern Local Government
- Best practice in Local Government
- ELoGE Benchmark



Efficiency & Effectiveness

- Results meet the agreed objectives.
- Best possible use is made of the resources available.
- Performance management systems make it possible to evaluate and enhance the efficiency and effectiveness of services.
- Audits are carried out at regular intervals to assess and improve performance.

Centre of Expertise Tools

- Performance management Programme



			EVALUATION				
The municipality level of maturity to the principle is assessed as:			N A	V P	Q P	Q W	V W
PRINCIPLE	DESCRIPTION OF ACTIVITY	INDICATORS	0	1	2	3	4
3. Efficiency and Effectiveness	Results meet the agreed objectives.	The municipality plans its activities and budget according to its strategic guidance plans at a strategic and an operational level.					
	Best possible use is made of the resources available.	Performance information is regularly collected and reviewed. The municipality acts to deal with gaps between expected and actual performance.					
	Performance management systems make it possible to evaluate and enhance the efficiency and effectiveness of services.	The municipality develops and implements a performance management framework that covers all of its objectives, services and functions including appropriate indicators and reports regularly on its performance and its progress.					
		The municipality exchanges good practises with other municipalities and uses this information to improve its own efficiency and effectiveness.					
		The municipality develops a strategic and operational evaluation document for the evaluation of public policies.					
		The municipality takes into account the results of its evaluations on order to implement its future public policies.					
	Audits are carried out at regular	Procedures, performance reports and information systems					

Openness & Transparency

- Decisions are taken and enforced in accordance with rules and regulations.
- There is public access to all information which is not classified for well-specified reasons as provided for by law (such as the protection of privacy or ensuring the fairness of procurement procedures).
- Information on decisions, implementation of policies and results is made available to the public in such a way as to enable it to effectively follow and contribute to the work of the local authority.

Centre of Expertise Tools

- Modern Leadership for Modern Local Government
- Public ethics benchmark
- Best practice in Local Government
- ELoGE Benchmark



- The municipality level of maturity to the principle is assessed as:

EVALUATION

NA VP QP QW VW

PRINCIPLE	DESCRIPTION OF ACTIVITY	INDICATORS	0	1	2	3	4
4. Openness and Transparency	Decisions are taken and enforced in accordance with rules and regulations.	The municipality has a clear and well understood legal framework which is widely publicised.					
		The municipality's legal framework includes a clear decision making scheme of delegation, setting out who has the responsibility for taking each decision, and how decisions will be taken, enforced and publicised.					
		The municipality takes and enforces decisions in a manner which is open, transparent, accountable and timely, and in accordance with rules and regulations and which matches international standards of best practice.					
		There is a process for appealing against decisions which is widely available and understood.					
		The opposition has the right to introduce propositions, amendments, and interpellations. The opposition also has the right to request meetings of committees of inquiry on certain topics and it has the right to be represented in some bodies of the local authority.					
	There is public access to all information held by the local authority.	Municipalities ensure regular and easy contact between					



Rule of Law

- The local authorities abide by the law and judicial decisions.
- Rules and regulations are adopted in accordance with procedures provided for by law and are enforced impartially.

Centre of Expertise Tools

- ELoGE Benchmark



Ethical Conduct

- The public good is placed before individual interests.
- There are effective measures to prevent and combat all forms of corruption.
- Conflicts of interest are declared in a timely manner and persons involved must abstain from taking part in relevant decisions.

Centre of Expertise Tools:

- Public ethics benchmark



Competence & Capacity

- The professional skills of those who deliver governance are continuously maintained and strengthened in order to improve their output and impact.
- Public officials are motivated to continuously improve their performance.
- Practical methods and procedures are created and used in order to transform skills into capacity and to produce better results.

Centre of Expertise Tools

- Modern and Effective Human Resources Management
- Modern Leadership for Modern Local Government



			EVALUATION				
The municipality level of maturity to the principle is assessed as:			N A	V P	Q P	Q W	V W
PRINCIPLE	DESCRIPTION OF ACTIVITY	INDICATORS	0	1	2	3	4
7. Competence and Capacity	<ul style="list-style-type: none"> The professional skills of those who deliver governance are continuously maintained and strengthened in order to improve their output and impact. 	<ul style="list-style-type: none"> The municipality identifies the skills needed to deliver its services effectively and undertakes a skills audit to identify any gaps as part of a strategic workforce plan. 					
		<ul style="list-style-type: none"> The municipality operates a system to implement personal development plans for its staff. 					
	<ul style="list-style-type: none"> Public officials are motivated to continuously improve their performance. 	<ul style="list-style-type: none"> Arrangements are in place to reward good performance and improve poor performance. 					
		<ul style="list-style-type: none"> The municipality has a recruitment and selection policy and procedures that are made public and implemented consistently. 					
		<ul style="list-style-type: none"> A training plan is developed, implemented and monitored to ensure that training needs are fully met, and professional skills continually developed before that become an obstacle for the service delivery and take evasive action hat the lack of training does not interfere with the efficiency of service delivery. 					
		<ul style="list-style-type: none"> Municipalities review the implementation and outcomes of recruitment, training and promotion procedures and makes improvements based on that. 					

Innovation & Openness to Change

- New and efficient solutions to problems are sought and advantage is taken of modern methods of service provision.
- There is readiness to pilot and experiment new programmes and to learn from the experience of others.
- A climate favourable to change is created in the interest of achieving better results.

Centre of Expertise Tools

- Modern Leadership for Modern Local Government
- Cross-border co-operation



Sustainability & Long Term Orientation

- The needs of future generations are taken into account in current policies.
- The sustainability of the community is constantly taken into account.
- Decisions strive to internalise all costs and not to transfer problems and tensions, be they environmental, structural, financial, economic or social, to future generations.
- There is a broad and long-term perspective on the future of the local community along with a sense of what is needed for such development.
- There is an understanding of the historical, cultural and social complexities in which this perspective is grounded.

Centre of Expertise Tools

- Towards a modern Local Government Association
- Best practice in Local Government



Sound Financial Management

- Charges do not exceed the cost of services provided and do not reduce demand excessively, particularly in the case of important public services.
- Prudence is observed in financial management, including in the contracting and use of loans, in the estimation of resources, revenues and reserves, and in the use of exceptional revenue.
- Multi-annual budget plans are prepared & consultation with the public.
- Risks are properly estimated and managed, including by the publication of consolidated accounts and, in the case of public-private partnerships, by sharing the risks realistically.
- The local authority takes part in arrangements for inter-municipal solidarity, fair sharing of burdens and benefits and reduction of risks

Centre of Expertise Tools

- Local Finance Benchmark



Human rights, Cultural Diversity and Social Cohesion

- Within the local authority's sphere of influence, human rights are respected, protected and implemented, and discrimination on any grounds is combated.
- Cultural diversity is treated as an asset, and continuous efforts are made to ensure that all have a stake in the local community, identify with it and do not feel excluded.
- Social cohesion and the integration of disadvantaged areas are promoted.
- Access to essential services is preserved, in particular for the most disadvantaged sections of the population.

Centre of Expertise Tools

- The intercultural index and benchmarking tool



Accountability

- All decision-makers, collective and individual, take responsibility for their decisions.
- Decisions are reported on, explained and can be sanctioned.
- There are effective remedies against maladministration and against actions of local authorities which infringe civil rights.

Centre of Expertise Tools

- Modern Leadership for Modern Local Government
- ELoGE Benchmark





DROITS DE L'HOMME, DÉMOCRATIE ET ÉTAT DE DROIT

CONSEIL DE L'EUROPE

CROSS-BORDER COOPERATION (CBC)

**CENTRE OF EXPERTISE
FOR LOCAL GOVERNMENT REFORM**

- EUREGIO (D-NL)
 - Dating back to 1958, it represents the first euroregional arrangement in Europe.
 - Established between municipal associations
 - Aims: improving local and regional infrastructures, strengthening the local job market and finding local solutions to the decline of local industries mirrored on each side of the border.
- Rural culture and social interaction (F-UK)
 - Implementing a Franco-English network of cultural broadcasts, offering audio-visual programmes based on personal accounts and documentaries on local life and the expression of rural identity.
 - Ten rural villages in East Sussex and Seine-Maritime.
- Cross-border Health Community of Menton-Ventimiglia (I-F)
 - Menton hospital complex and the Local Health Authority of Imperia signed a cross-border cooperation agreement establishing a "communauté de santé transfrontalière" (cross-border health community).
 - Cross-border perinatal centre

AVAILABLE LEGAL FRAMEWORKS

Madrid Convention and Additional Protocols - CoE Website / Centre of Expertise



UNDERSTANDING CBC

Cross-Border Cooperation Toolkit (2012)



REMOVING OBSTACLES TO CBC

MANUAL ON REMOVING OBSTACLES TO CBC (2013)

EDEN PLATFORM (WWW.CBC.ISIG.IT)



STAKEHOLDERS' ENGAGEMENT IN CBC

EUROPEAN EXPERIENCE OF CITIZENS' PARTICIPATION IN CROSS-BORDER GOVERNANCE (2015)



CBC LEADERSHIP

Toolkit for CBC Practitioners (2016)

Leadership Academy Programme (LAP) for CBC (2016)



(Cross) Border area

- Cross-border areas expand beyond national borders (i.e. across two or more States) and find their rationale for cohesion in the functional characteristics and challenges that local communities share.

Local Authority

- For the purpose of LAP 'Local Authority' is interpreted as a public governing body, (directly or indirectly elected), possessing, within a given territory, as defined by law, a degree of autonomy from the central government and a set of competences to deliver public goods and services to citizens. Moreover, for the purpose of this module, Local Authority defines the first tier of local self-government.

Cross-Border Cooperation (CBC)

- Cross-Border Cooperation (CBC) is a concerted process of building neighbourly relationships between local stakeholders and Local Authorities on both sides of national borders.

CBC Practitioner

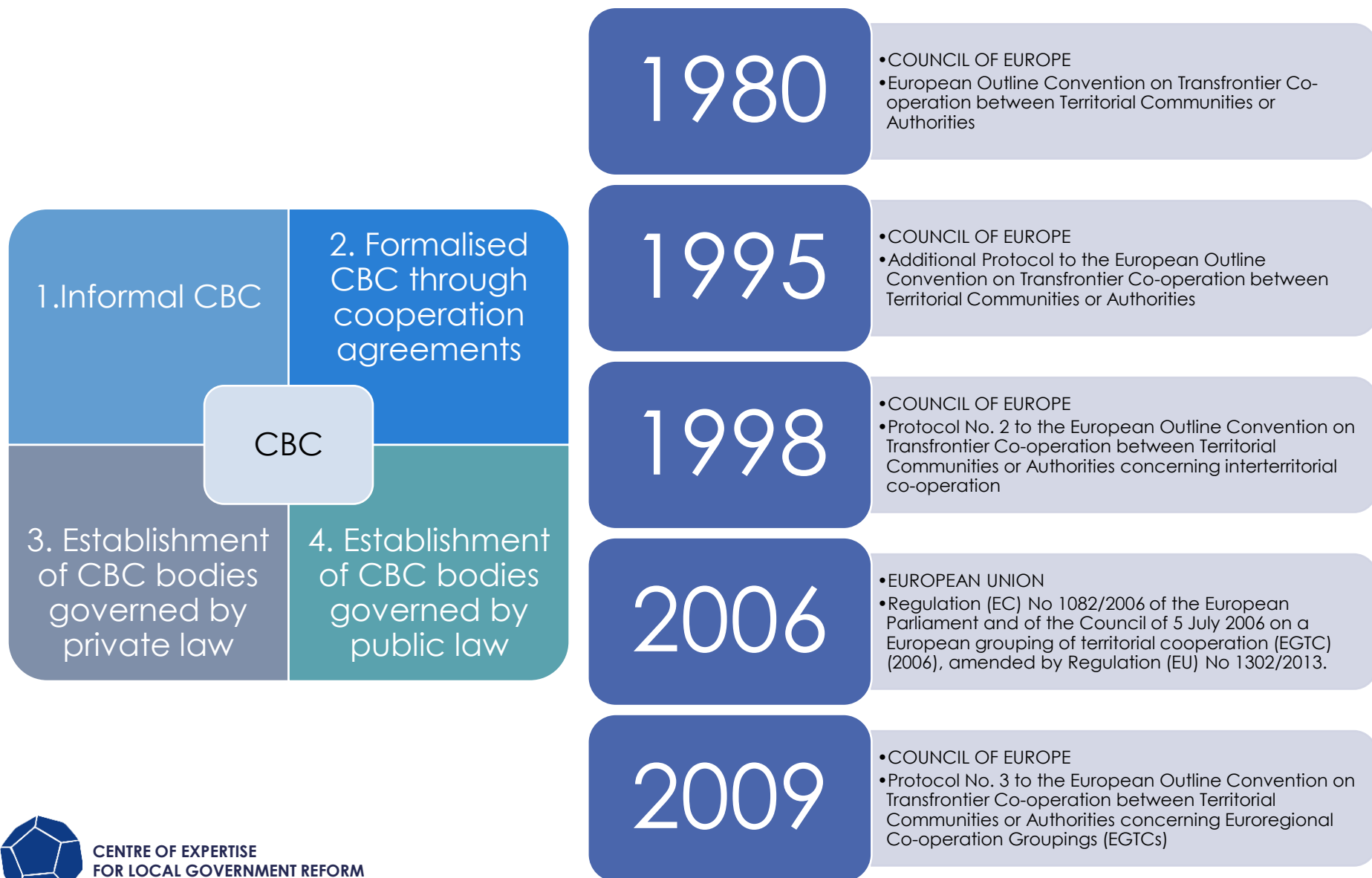
- CBC promoters (e.g. senior officers of Local Authorities, mayors, representatives of CSOs, representatives of already configured CBC structures), that act as “leaders” within their organizations and communities, so to stimulate and/or to reinforce the “culture of cooperation” at CBC level. In order to achieve long-term efficiency and sustainability, CBC not only needs to ensure local communities’ engagement, but also to stimulate a wide-spread bottom-up commitment to the “CBC shared cause/ideal/goal”.
- In this context, CBC champions are individuals able to combine thorough knowledge (i.e. on their communities, the border context) with technical know-how (i.e. on the CBC process) and motivational skills (i.e. becoming a Leader of CBC within their communities and institutions).
- Such champions should be able to enact CBC processes that:
 - are highly context-based;
 - demonstrate an “aware” civic engagement (i.e. engaging communities by activating relevant stakeholders, according to specific CBC stage, topic and activity);
 - generate commitment of the communities to its goals

Definition

- Cross-border cooperation (CBC) is a concerted process of building neighbourly relationships between local stakeholders and authorities on both sides of national land and sea borders.

A tool for action across borders

- CBC is not about conveying additional powers to border communities or authorities. Rather, CBC is a more efficient way of exercising their powers.
- Promoting the socio-economic development of the border area.
 - E.g. attracting new financial resources; efficiently using local capital (nature, finance, culture, organisations, relationships, etc.); improving employment opportunities, etc.
- Developing economies of scale to provide better services.
 - E.g. providing high-quality health-care and education; efficiently managing natural resources (i.e. rivers); upgrading transport infrastructures, etc.
- Widening cultural perspectives.
 - E.g. promoting bilingualism and minority groups rights; promoting cultural diversity within educational curricula; promoting a non-ideological interpretation of history and mutual knowledge and trust, etc.



- The European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities introduces, for the first time at international level, **the possibility for geographically contiguous local authorities from different countries to cooperate** with each other and to accomplish agreements.
- The Convention does not establish a "right" of local authorities in such cooperation, but rather **an obligation for the states (as contractors) to "facilitate and promote" cross-border cooperation of local authorities.**
- CBC is defined as any concerted action designed to strengthen and promote neighbourly relations between local communities and authorities belonging to two contracting states.
- **CBC may take place within the jurisdiction (i.e. competences and powers) which local authorities have under applicable domestic law** (Art. 2, § 1). The Contracting States may (Art. 2, § 2) indicate to which local authorities the Convention is (or is not) applicable and in which fields local authorities can engage in CBC. Thus, the scope of CBC may be limited when compared to the competences and powers that local authorities have under constitutional or national law.
- States are able to list those local authorities to which the Convention applies or does not apply. States may subordinate local communities and authorities' right to cooperate across borders to the signature of bilateral agreements (treaties) between States (Art. 3, § 2), identifying the entities concerned as well as the subjects and the modalities of such cooperation.

**MADRID
OUTLINE
CONVENTION
1980**



Example 11 - Karlsruhe Treaty (multilateral).

Signed by France, Germany, Luxembourg and Switzerland on January 23, 1996, in Karlsruhe, the Treaty entered into force September 1, 1997. The agreement allows local authorities to create groups of cross-border cooperation, with legal personality on public law, with the aim to implement activities and services within their mutual interest.



Example 14 - Valencia Treaty (bilateral)

Signed between Spain and Portugal on October 3, 2002, in Valencia, the Treaty entered into force January 30, 2004, and focuses on cross-border cooperation between communities and local authorities in Spain and Portugal. The agreement provides for the possibility of establishing (a) CBC bodies based on public law and (b) CBC agencies that do not enjoy legal personality under the conditions that (i) their establishment is in full accordance with the provisions of the Treaty, and (ii) they sign a cross-border cooperation agreement to be approved by the central states.



Example 15 - Bayonne Treaty (bilateral)

Signed between Spain and France on March 10, 1995, in Bayonne and entered into force on February 24, 2007, the treaty allows local territorial authorities to conclude agreements on cross-border cooperation issues and jointly create and manage public services, and to carry out their functions in coordination. As in the case of the Treaty of Valencia, agreements between local authorities need prior authorisation by central governments.

- The Additional Protocol aims to complete the Madrid Outline Convention with **provisions on the possibility for local communities and authorities involved in CBC to sign agreements with their counterparts across borders** (Art.s 1 and 2, § 3, § 1 of the Convention). Such agreements may include the purpose, content and arrangements of CBC, yet within the above-mentioned restrictions (i.e. compliance with domestic law).
- These agreements, however, may also be **designed to create structures, organisations, institutions in which the institutions concerned pursue and implement their cooperation**. These structures can be more or less complex, temporary or permanent, or may not have an institutional, legal personality, etc.
- The Additional Protocol to the Madrid Outline Convention responds to concrete CBC developments. **Local communities and authorities engaging in CBC activities across borders tend to develop CBC arrangements to coordinate, promote and support CBC itself. Such structures serve as contact structures; they can promote ongoing dialogue between CBC partners, support information exchange, and establish common offices to carry out specific activities.** Finally, such structures play a symbolic role strengthening the CBC framework and enhancing its visibility.

**Additional
Protocol
1995**

The Protocol, responding to the grass-roots developments of CBC, lays out the following principles:

1. Local authorities have the right (recognised for the first time) to conclude agreements operationalising their willingness to cooperate (Art. 1).
2. **The decisions taken pursuant to such agreements must be implemented by each contracting party and will have the same validity of decisions made independently by virtue of national law (Art. 2).**
3. An agreement of this kind can lead to the creation of a CBC body (i.e. “transfrontier co- operation body”) (Art. 3).
4. The agreement may indicate whether the body in question has a legal personality or not, and if so, whether the legal personality is under public law (agency) or private (association) (Art.s 4 and 5).
5. **The legal personality will be governed by the law of the Contracting State in which the body has its registered office.** The legal personality of such a body is recognised not only by the State in which it has its registered office but in all the States to which members (i.e. local communities and authorities that are part of it) belong to (Art. 4, § 1).

**Additional
Protocol
1995**

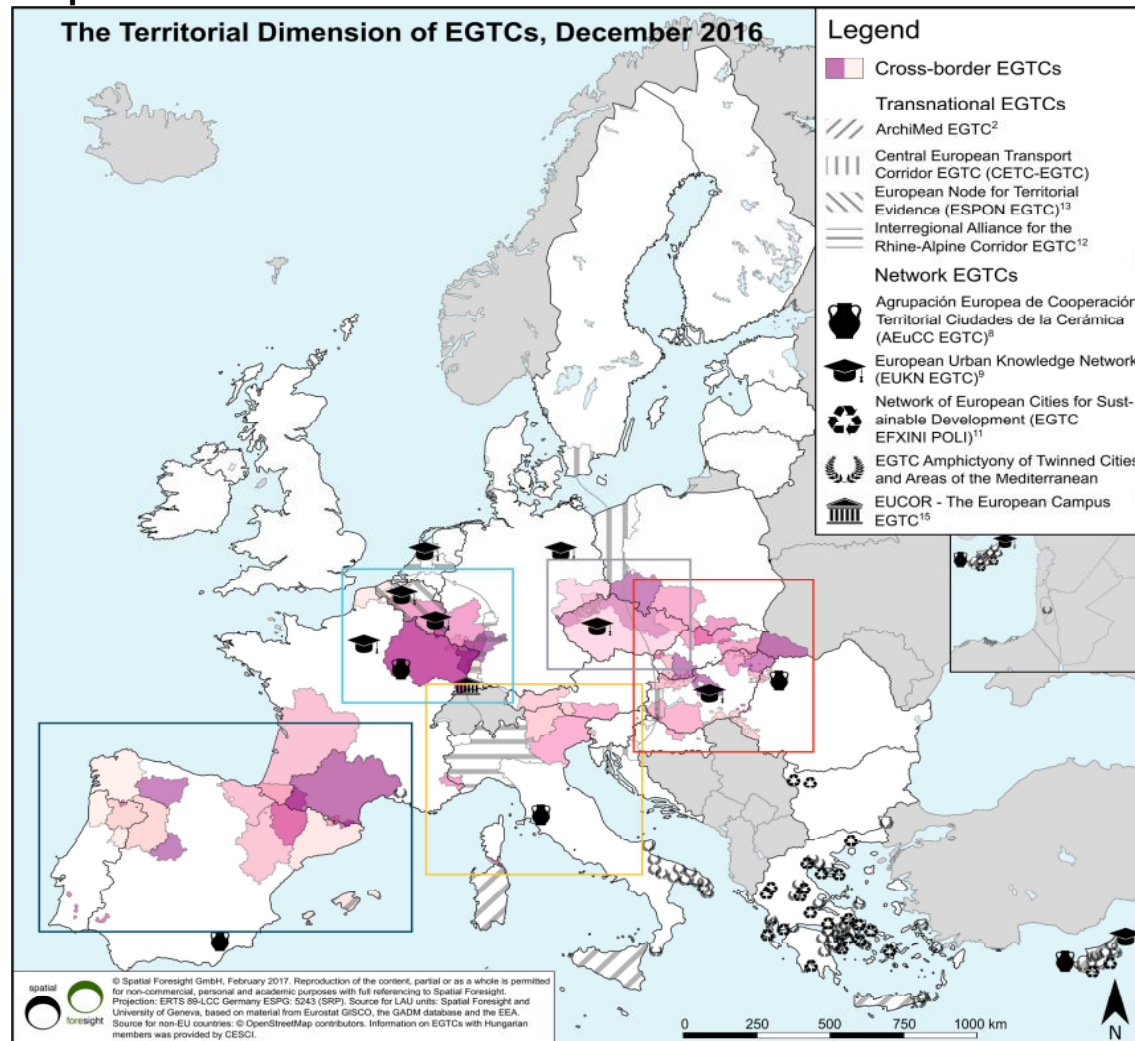
1. Protocol No. 2 defines interterritorial cooperation as any concerted action designed to establish relations between territorial communities or authorities of two or more Contracting Parties, other than relations of transfrontier co-operation of neighbouring authorities, including the conclusion of co-operation agreements with territorial communities or authorities of other States.
2. The Madrid Outline Convention refers to transfrontier co-operation (i.e. CBC), that is, those forms of "concerted action" that can be put in place between neighbouring local authorities (i.e. "neighbourly relations"). It does not explicitly state that cooperation must take place between local authorities separated by the same border, but this can be deduced from the text and is also explained by the explanatory report to the Convention itself.
3. Experience has shown, however, that CBC activities may develop even among non-contiguous local authorities. This raised the issue of applicability of the Madrid Outline Convention to local authorities geographically distant from the border and located far from each other. Protocol No. 2 responds to this issue.
4. Interterritorial co-operation is made equivalent to transfrontier cooperation (Art. 3). In addition, local authorities that could not previously engage in such activities under the Madrid Outline Convention see that their right to promote discussions and agreements (in matters of common competence) is now recognised (Art. 2). Contracting States shall, on their part, undertake to recognise and respect this right.

**Protocol
No.2
1998**

1. Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities provides the legal status and operational form of the constituent Euroregional Co-operation Groupings (ECGs).
2. ECGs may be composed of local authorities and other public agencies of member countries with the aim of putting into practice cross-border and inter-territorial cooperation in the areas covered by their role and responsibilities. States, from the moment of ratification of the Protocol, can indicate all those communities, local authorities, public law and private entities that they wish to exclude from the scope and applicability of the Protocol (Art. 16).
3. Protocol No. 3 allows for the establishment of CBC bodies with or without legal personality (in this case the protocol connects the legal personality to the law applicable in the state where the ECG has its headquarters). In addition, the Protocol provides the basic rules for the establishment, membership conditions, tasks and responsibilities of the ECG.
4. ECGs may be composed of territorial communities or authorities in Member States if one or more of their own communities or local authorities are already members. Other agencies with different legal personality may be part of the ECG

**Additional
Protocol
2009**

Map 1: Territorial dimension of EGTCs as of December 2016



The European Grouping of Territorial Cooperation (EGTC) allows public entities of different Member States to come together under a new entity with full legal personality.

The EGTC Regulation was established in 2006 and was the first European cooperation structure with a legal personality defined by the European Law.

It is designed to facilitate and promote territorial cooperation (cross-border, transnational and interregional cooperation), in view of strengthening the economic and social cohesion of the European Union.



CROSS-BORDER CO-OPERATION TOOLKIT

Prepared by
Centre of Expertise for Local Government Reform, Council of Europe
in cooperation with
Daniele Del Bianco, Italy, and John Jackson, UK.

June 2012

UNDERSTANDING CBC

Cross-Border Cooperation Toolkit (2012)



CENTRE OF EXPERTISE
FOR LOCAL GOVERNMENT REFORM

Mobility and (public) transport

Health care

Education and Training

Labour market

Crisis and Disaster/Emergency Management

Crime prevention and Criminal Investigation

Environment

Finance

BORDER MUNICIPALITIES

Overcoming peripheral positioning
Share resources in addressing common problems
Better management of common assets
Better economies of scale
Better access to external funding and expertise

BORDER COMMUNITIES

Better accessibility to cross-border infrastructures and services
Stronger civic participation opportunities
Improved socio-cultural relations and networks across borders

LOCAL DEVELOPMENT

Economy

- Employment growth
- Investments
- Incubators
- Territorial Marketing

Environment

- Heritage preservation
- Crisis management
- Tourism

Culture

- Heritage promotion
- Education
- CSOs promotion

Infrastructure

- Utilities / Services
- Transport

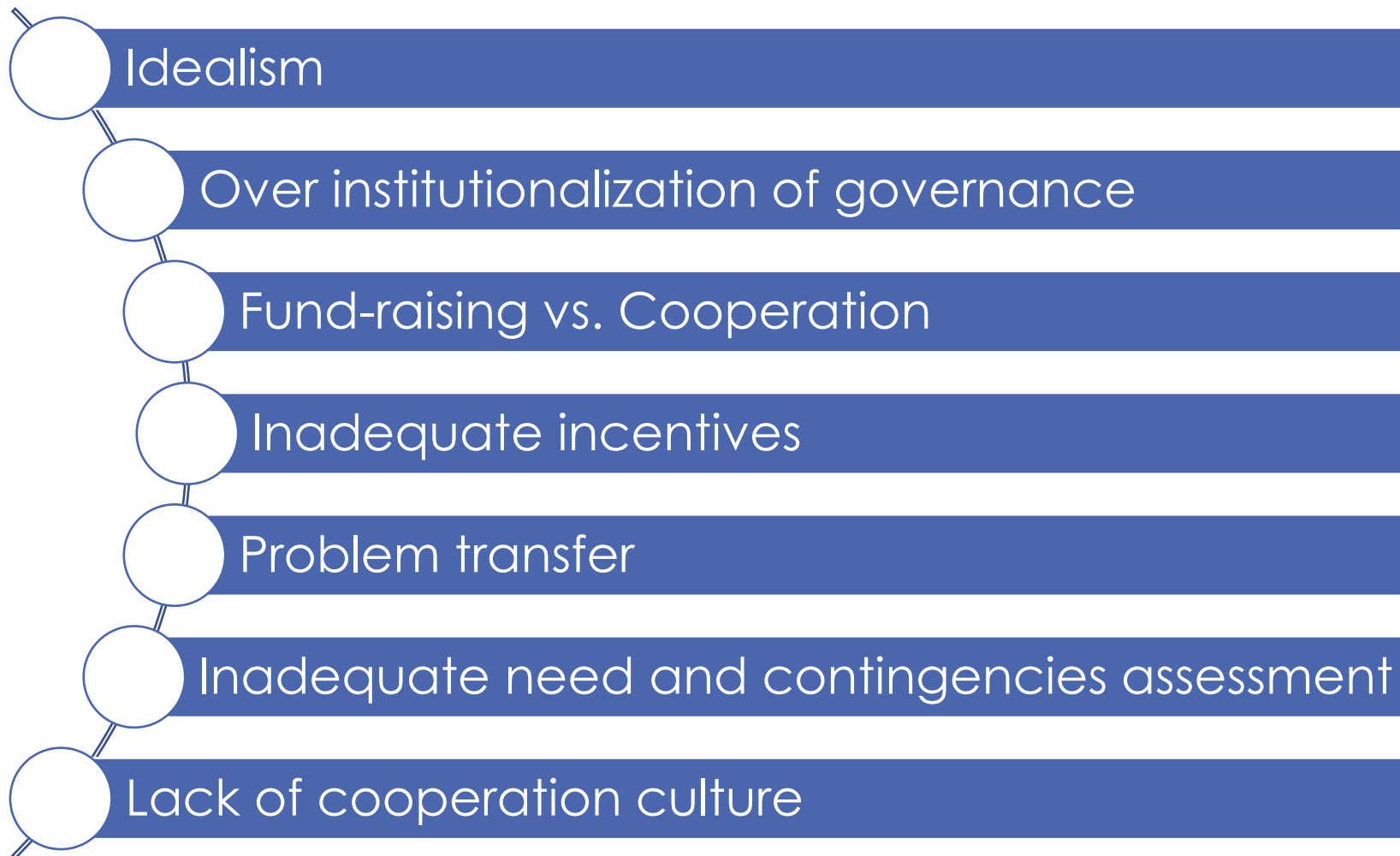
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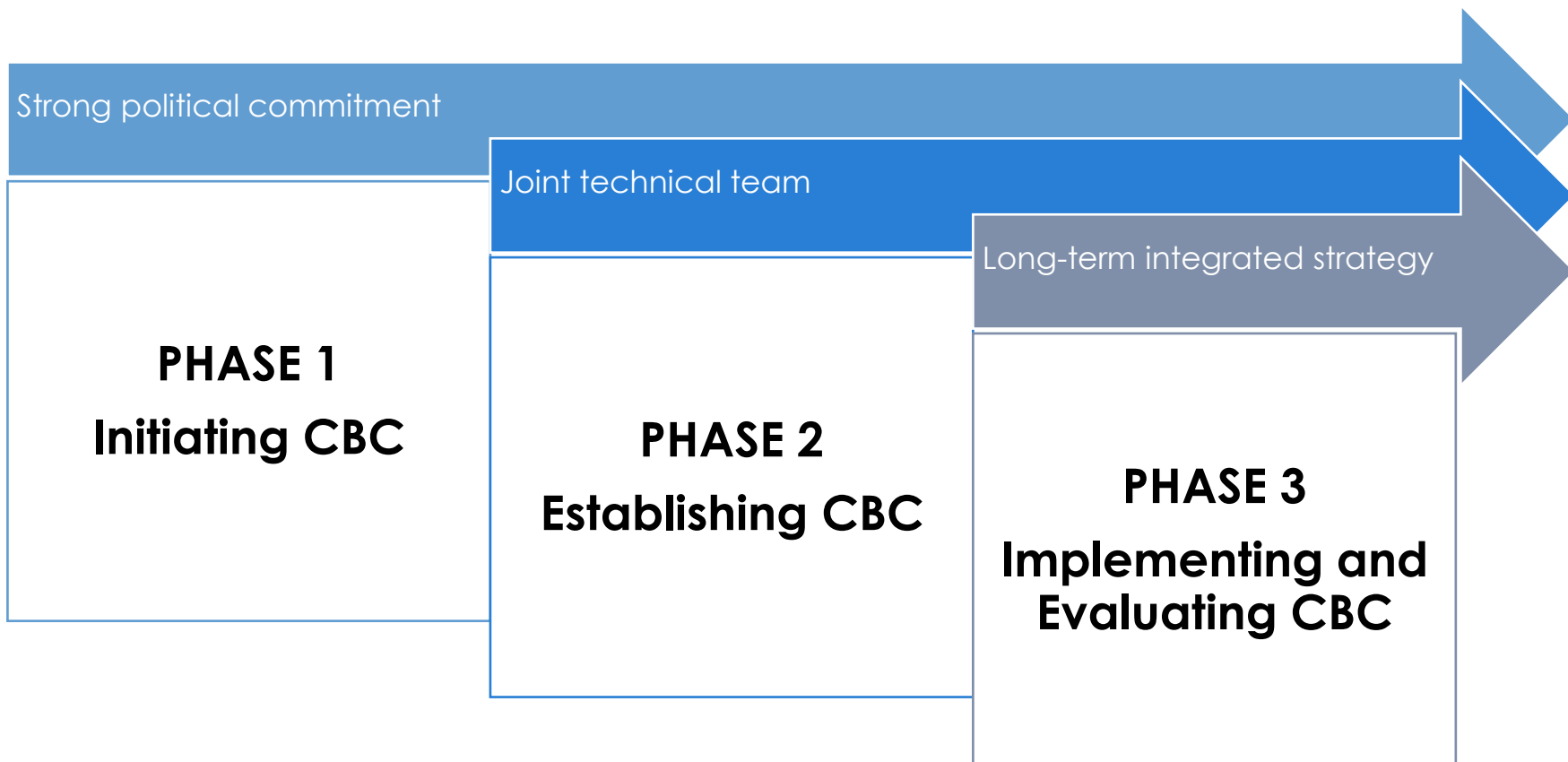
- Address (locally) joint border problems
- Improve opportunities for border municipalities to perform their functions
- Making the best of available Legal frameworks and tools
- Making the best of available funds

INDIRECT

- Cross-border peer-to-peer and on-the-job learning
- Encouraging co-operative culture.
- Partnership working
- Strategic responsibilities
- Accountability and transparency
- Solidarity
- Fostering European citizenship
- Fostering citizens' sense of ownership of democratic institutions
- Stimulates IMC
- Stimulates PPP







PHASE 2 Establishing CBC

PHASE 1 Initiating CBC

1. Identify needs and opportunities
2. Identify potential partners and possible areas of cooperation
3. Analyse legal and economic environment
4. Decide on entering CBC and set up negotiating platform
5. Build awareness and support

PHASE 3 Implementing & Evaluating CBC

PHASE 2 Establishing CBC

10. Finalise agreement/statute

9. Define the accountability arrangements

8. Define the institutional arrangements

7. Choose the legal form

6. Identify scope for CBC

PHASE 3 Implementing & Evaluating CBC

15. Conduct regular evaluations

14. Ensure continuous and effective communication

13. Ensure continuous monitoring and self-assessment

12. Develop cooperation mechanisms

11. Establishing management and representative structures

Are there specific provisions on CBC, whether national or international, that can be applied to the specific case?

YES

What is allowed?

What is prohibited?

What actors can be involved?

What is the eligible area for CBC?

Is the scope of CBC action identified?

Are the prerogatives of a possible CBC arrangement identified?

NO

Is there any other legal provision which could provide a reference for CBC?

Is there a history of cooperation?

How are the objectives of cooperation defined?

Can de facto tools under private law be used?

Is it possible to enter international cooperation projects?

Can international funds be used?

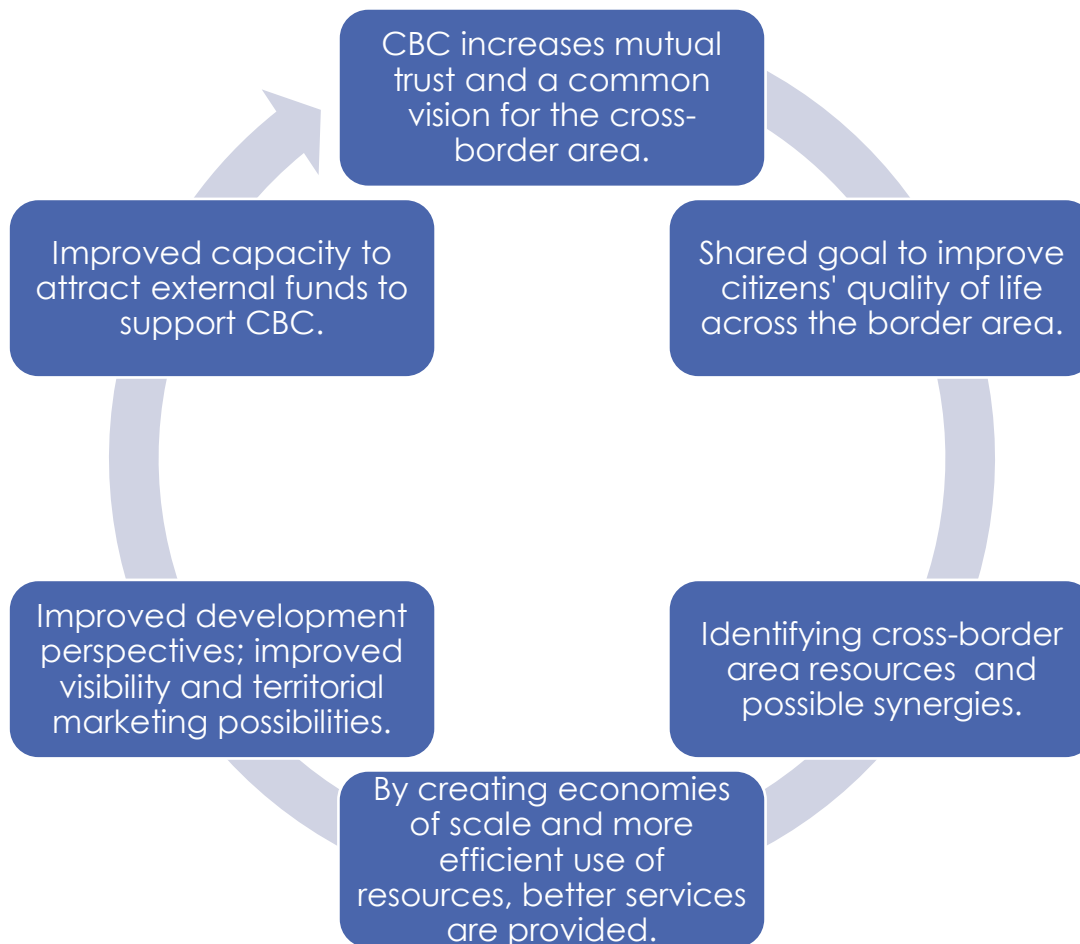
ISSUES

- High risk where funding is starting point
- Importance of ensuring long term financial sustainability
- Exploit all sources of revenue
- Balance interests of service users with those of tax payers
- Must be transparent

STRENGTHS

- Share administrative overheads (e.g. experts, consultants, equipment, secretariat, etc).
- Reduce unit costs and improve service quality through economies of scale in the use of infrastructure, equipment and skilled personnel.
- Attract investment funds reserved for a project of a specified minimum size, partnership compositions, etc.
- In some countries, attract additional grant aid offered as an incentive to cooperation.
- Enhance economic performance through co-ordinated planning and environmental protection.

- Clear objectives
- Acknowledge concerns of partners
- Open communications
- Clear performance information
- Annual performance report
- Decisions understood



Willingness - of all involved actors	political level
	institutional level
	community level
Knowledge of the context - of CBC partners	resources
	challenges
Knowledge of the tools - of CBC partners	legal tools
	financial tools
Knowledge of the stakeholders - of CBC partners	stakeholders good will
	stakeholders capacity
Strategies - drafted at CBC level	context-based
Creativity - of the CBC partners	in identifying the strategies and actions to overcome the problems that arise from the presence of the border
	in identifying solutions to overcome the obstacles. that arise in the implementation of the CBC process



MANUAL ON
REMOVING
OBSTACLES TO
CROSS-BORDER
COOPERATION

November

2013

It is with Europe's citizens in mind that the ministers responsible for local and regional government of the 47 member States of the Council of Europe launched in 2009 a major survey of difficulties and obstacles that hamper the cooperation across the borders and agreed in 2011 to further develop their cooperation with a view to reduce or remove those obstacles. This Manual is a compilation of both difficulties recorded across the frontiers and solutions found to overcome them. With the help of ISIG of Gorizia (Italy) the data collected through a questionnaire have been systematised and organised in such a way as to enable all actors of crossborder cooperation to find examples that correspond to their situation and solutions that may help them to adopt the response to their needs.

REMOVING OBSTACLES TO CBC

MANUAL ON REMOVING OBSTACLES TO CBC (2013)

EDEN PLATFORM (www.CBC.ISIG.IT)



CENTRE OF EXPERTISE
FOR LOCAL GOVERNMENT REFORM

Obstacles to CBC

Once entered in a cross-border process, local authorities can encounter a plurality of obstacles that hinder their further cooperation.

The factors that determine the persistence of the obstacles are related to different aspects, both internal (i.e. the cooperation dynamics) and external (i.e. caused by national and international settings).

- Problem determined by a set of causes and implying a number of effects

DEFINITION



Mapping obstacles

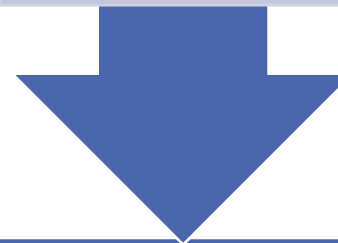
What does it mean?

IDENTIFYING THE PROBLEM

Define the core problem

Identify causes

Identify effects



SET THE PROBLEM AGAINST THE WIDER CBC CONTEXT

Identifying the operational area within which the obstacle arises

Identifying the factors contributing to its persistence

Identify the level of clearance requested by the obstacle

FROM OBSTACLES TO SOLUTIONS:

- Mapping and analyzing CBC obstacles are the first steps towards the identification of a solution.
- When entering a CBC process, it is important to understand, that, although such process is highly heterogeneous, it is most likely that other local authorities have encountered similar obstacles (i.e. operational areas, factors of persistence, etc.). Often this means that they have already identified mechanisms in order to overcome obstacles.

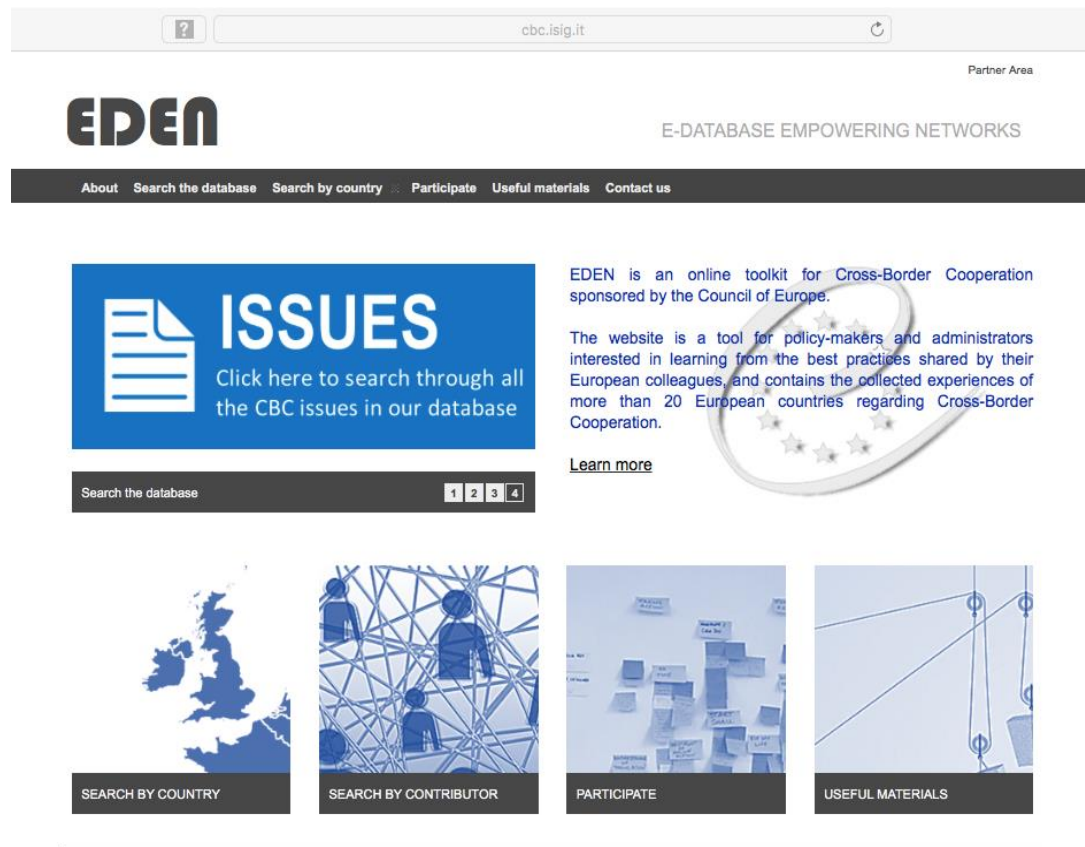
A PEER-TO-PEER APPROACH: EDEN PLATFORM

Sharing knowledge and learning from best practices are relevant methods to deal with CBC obstacles.

Council of Europe promotes the peer-to-peer approach, by means of initiatives and instruments, such as EDEN (<http://cbc.isig.it/>) - a database containing best practices of CBC collected from more than 20 European countries.

EDEN is based on the principle that knowledge is a key to empowerment, giving to policy-makers and administrators the opportunity to learn from their European colleagues. Having to face an obstacle arisen during the implementation of a CBC activity, the institutional actor can consult the database, look for similar issues and obstacles, and see what solutions have been found and adopted by other institutions.

EDEN aims at developing a network of knowledge, giving policy-makers and administrators a tool for improving their CBC activities. This network of knowledge can also become a network of partners: each contributor to the database can be reached through his/her contact information, allowing users to ask for more information on a specific CBC activity or to propose a partnership to solve a shared obstacle.



1. CLEARLY DEFINE THE CORE PROBLEM

- What is the problem that requires immediate action?
- Why is it a priority? To whom?
- Is something being done already? By whom? How?
- Is it necessary to deploy cross-border actions?

2. IDENTIFY ITS CAUSES

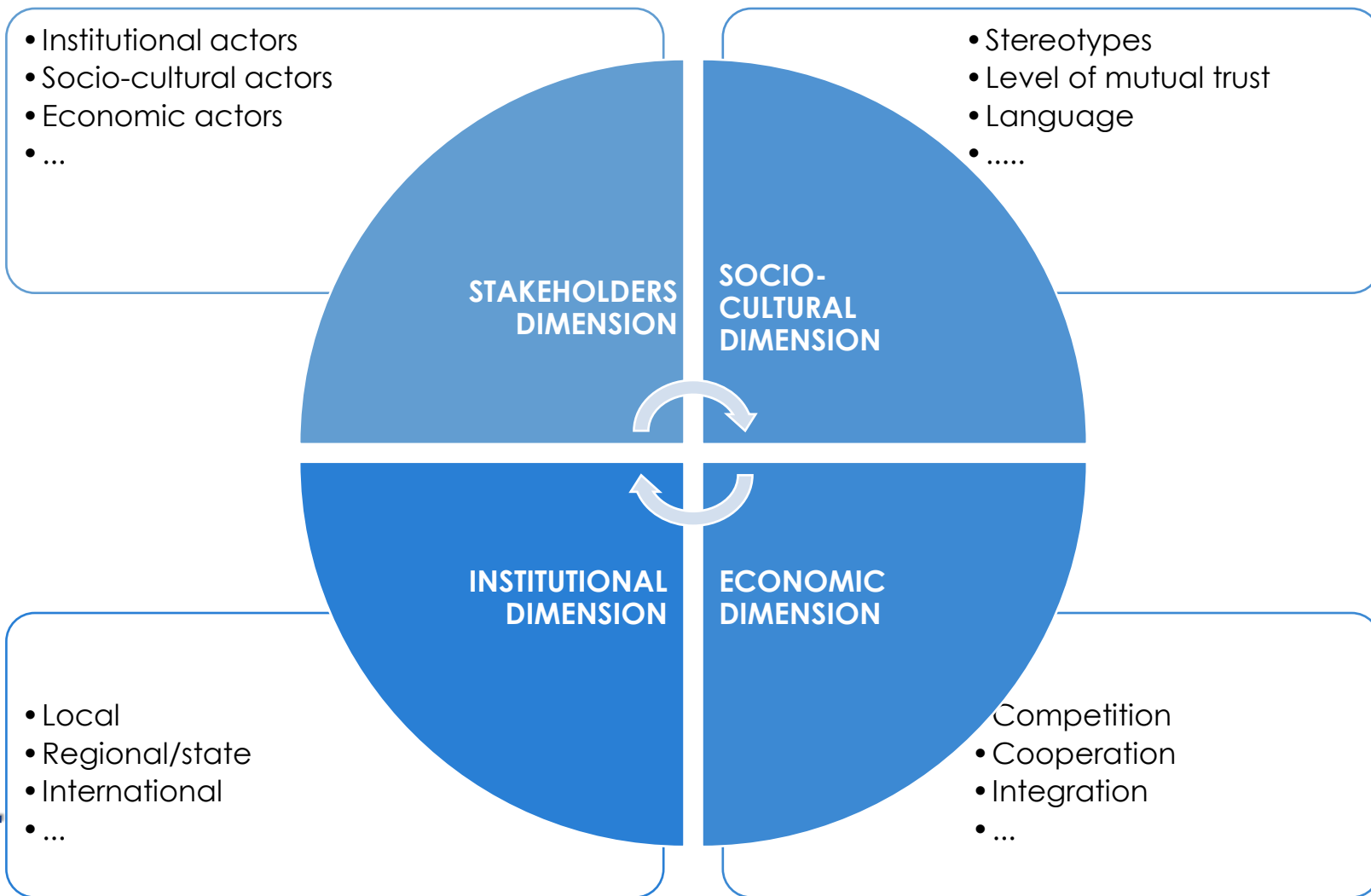
- Why did this problem arise now?
- Where does it come from? What is causing it?
- Is it linked to social/economic/environmental/institutional/administrative characteristics of the border area?

3. IDENTIFY ITS EFFECTS

- Who is most affected? How? How much?
- What would happen if no solution is found?
- What implication would there be on the social/economic/environmental/institutional/administrative levels?



Step 2 – Identifying the operational area



STEP 3 – Identifying factors for obstacle persistence

- CBC is a cross-sectorial process, thus implying that the obstacles that may hinder it, cross-sectorial as well, are likely to be determined by transversal factors, such as:
 - Institutional factors
 - Administrative factors
 - Economic factors
 - Factors linked to the level of Expertise of stakeholders involved
 - Cultural factors
 - Factors linked to the degree of propensity to cooperate of stakeholders involved
- In order to assess the persistence of such factors, 6 evaluation grids are available in the CoE/ISIG “Manual on removing obstacles to CBC” (2014). The grids allow for the assessment of the relevance of ten statements, to identify which factors are most likely to represent an obstacle.
- Moreover, by comparing the score obtained in each grid it is possible to prioritize among obstacles categories.

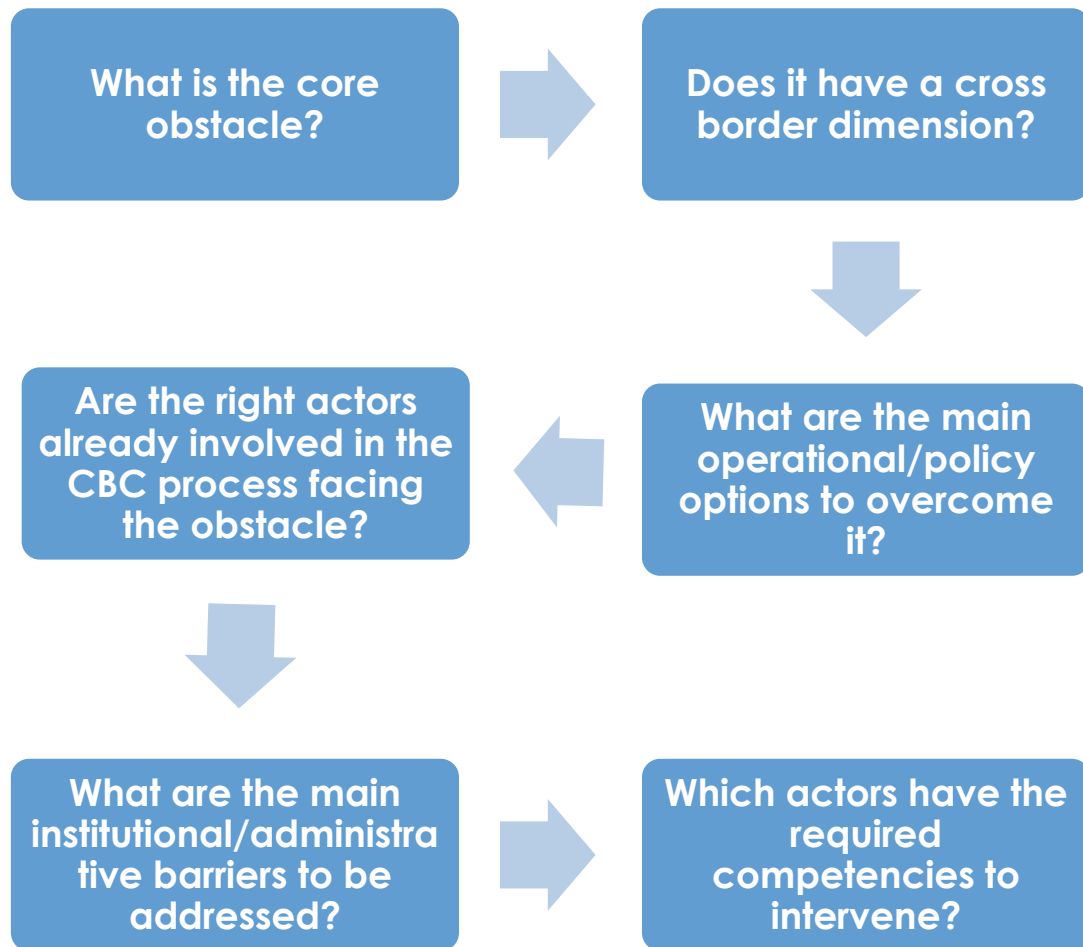
ADMINISTRATIVE FACTORS

	Totally untrue	Partially untrue	Partially true	Totally true	Not relevant
The border area is not clearly defined	1	2	3	4	0
The actor with competence on the matter is not entitled to act on a CBC level	1	2	3	4	0
Complex administrative matters are dealt with regional or central authorities	1	2	3	4	0
There is no administrative protocol to handle the matter	1	2	3	4	0
Bureaucratic requirements are too lengthy and complex	1	2	3	4	0
Fees for the provision of public services are set through different standards	1	2	3	4	0
Public-private partnership schemes are difficult to set up	1	2	3	4	0
It is difficult to collect information about the administrative requirements across borders	1	2	3	4	0
Co-financing of international projects is not allowed by domestic law	1	2	3	4	0
Recognition of diplomas, degrees and professional certification is handled by central authorities	1	2	3	4	0

SCORE

STEP 4 – Identifying the level of clearance

Obstacles may need to be tackled at different levels of clearance: local – when action-oriented, and regional/central as the complexity of the CBC increases.



Step 5 – Learning from best practices to overcome obstacles

- The EDEN database is a valuable instrument for the exchange of best practices.
- The database allows also for the browsing by country of good practices, or by institutions that supplied the case-studies.

www.cbc.isig.it

- EDEN is structured into four different sections, as follows:
 - Areas of CBC - the section gives information on the main areas of intervention (Labour Market, Health-Care, Education and Training, etc) and allows for the identification of activities that other users implemented, as well as the obstacles they encountered and the solutions found so to overcome the obstacles;
 - Issues: - the section gives a complete list of all the CBC activities that the users implemented, which allows for the identification of the area of interest;
 - Obstacles: - the section gives information on all the obstacles that have been encountered in the implementation of CBC activities, allowing for the identification of areas encompassing the obstacles, as well as the factors that contributed the most to the persistence of the obstacle.;
 - Solutions: - the section gives information on all the solutions that the users found to the obstacles they encountered, allowing for the identification of specific areas of intervention.

Step 6 – Crossing solutions against the CBC context

- Just as obstacles, which need to be crossed against the wider CBC context, solutions must be as well anchored to the specific case.
- In order to assess the replicability of an identified solution, a list of guiding questions may be used, as illustrated in the next grid

	INTERVENING FACTOR	MAIN GUIDING QUESTIONS
HISTORY	<p>Age of border (long established vs. recent)</p> <p>History interpretation (shared vs. opposite)</p> <p>Territoriality (continuity vs. fraction)</p> <p>...</p>	
CULTURE	<p>Language</p> <p>Ethnicity</p> <p>Religion</p> <p>Role of minorities</p> <p>...</p>	<p>Do they play a positive or negative role?</p> <p>Are the right actors already involved in the CBC process facing the obstacle?</p> <p>What are the main institutional/administrative issues to be addressed?</p>
ECONOMY	<p>Level of socio-economic development</p> <p>Cooperative / competitive businesses</p> <p>State subsidies</p> <p>Advantageous positions deriving from the border (e.g. customs economy)</p> <p>Infrastructural endowment</p> <p>...</p>	<p>Which actors have the required competencies to intervene?</p>



EUROPEAN EXPERIENCE
OF CITIZENS' PARTICIPATION
IN CROSS-BORDER GOVERNANCE



STAKEHOLDERS' ENGAGEMENT IN CBC

EUROPEAN EXPERIENCE OF CITIZENS' PARTICIPATION IN CROSS-BORDER GOVERNANCE (2015)

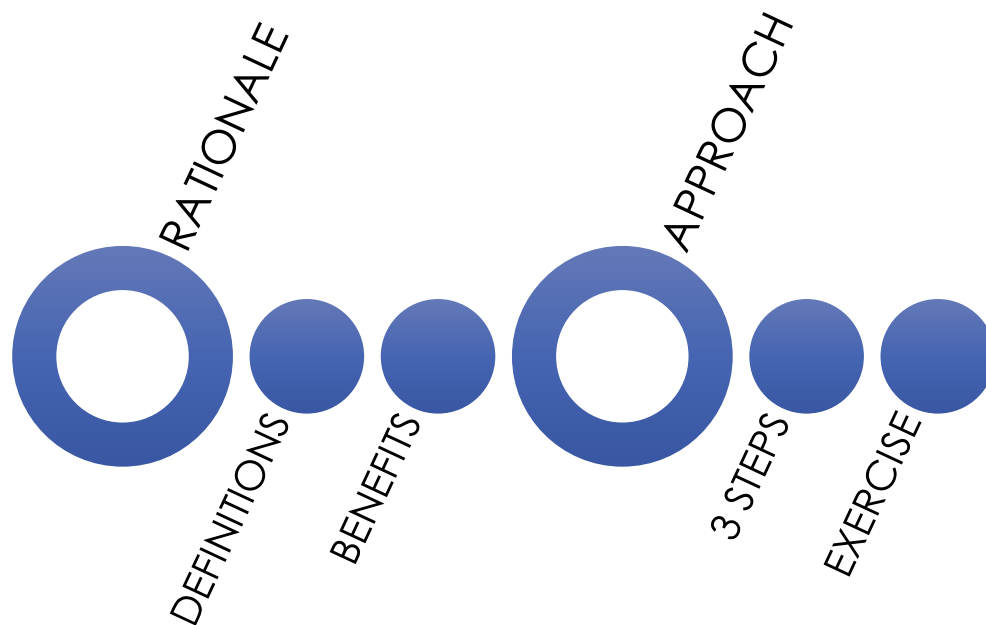


CENTRE OF EXPERTISE
FOR LOCAL GOVERNMENT REFORM

APPROACH

SESSION 1 – RATIONALE FOR CIVIC ENGAGEMENT IN CBC

SESSION 2 – HOW TO MAP STAKEHOLDERS



Civic Engagement in CBC

Due to the fact that CBC arrangements lack the direct political accountability of public institutions that can be registered at the local level, CBC governance mechanisms must pay particular attention to civic engagement.

CBC governance mechanisms must ensure:

- Care of citizens' interests ;
- Efficiency and effectiveness;
- Minimisation of public costs;
- Respect of the ethics of public administration;
- Local accountability.

- the participation of citizens to elections
- the possibility of citizens to act directly towards modifications in the legislation (e.g. referendum)
- the active engagement of citizens within volunteer associations or informal networks devoted to community actions aimed at improvement of life within a society.

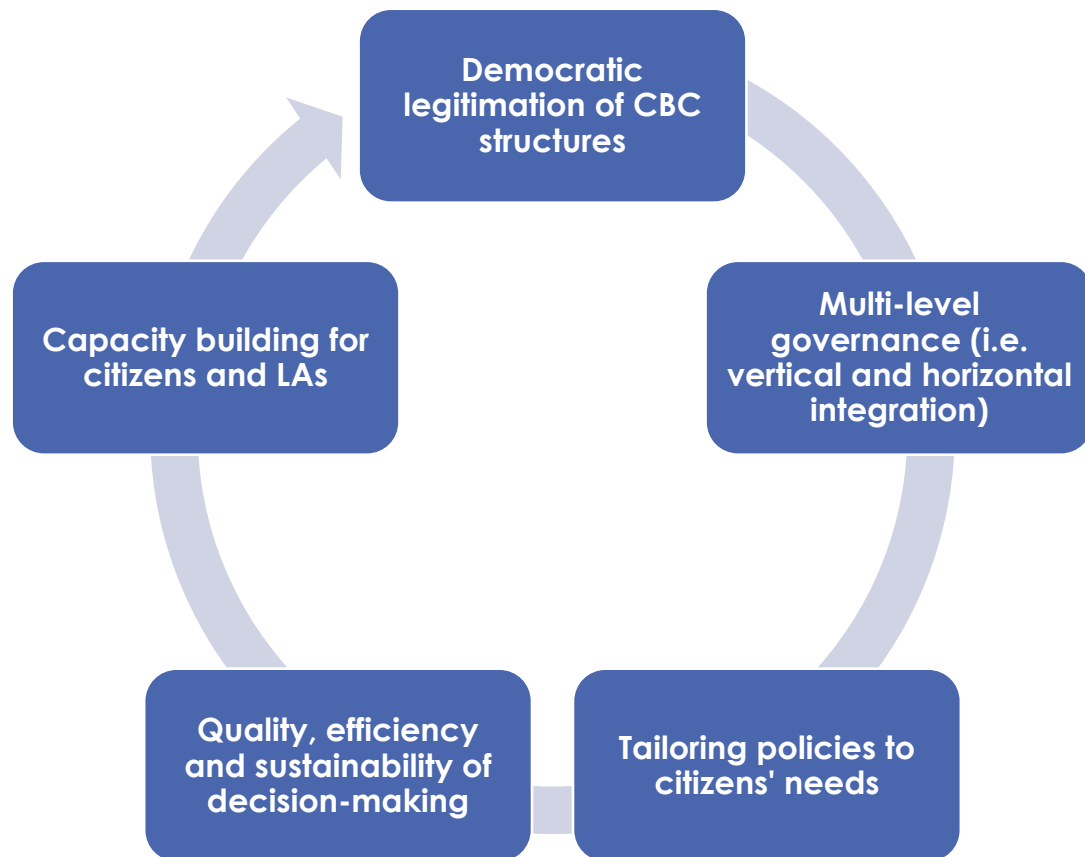
DEFINITION



Citizens' participation in CBC

For implementation of civic engagement in CBC processes, CBC promoters need to:

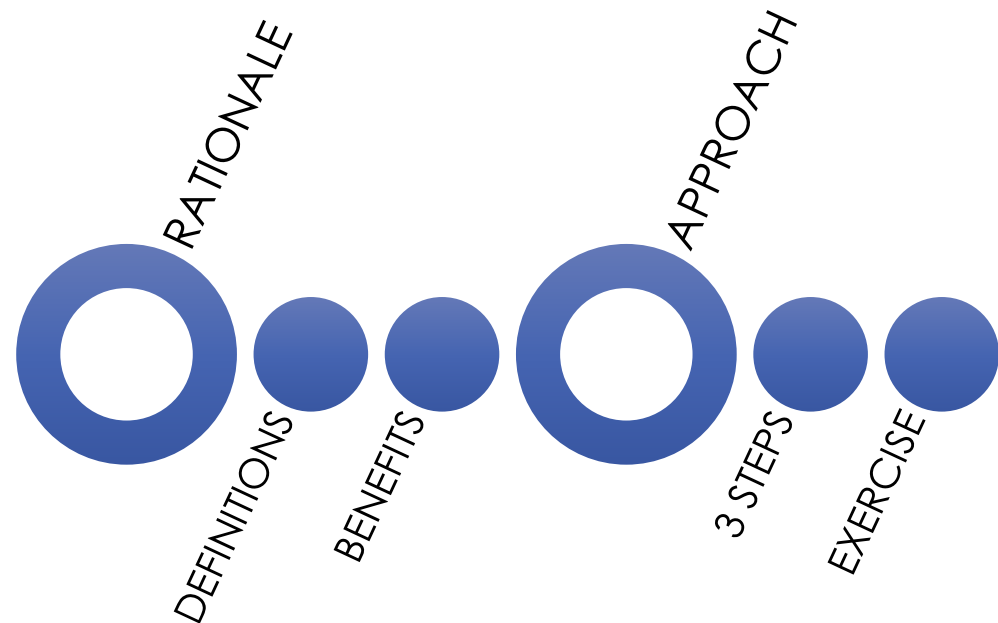
- identify stakeholders of their area.
- assess the functionality/relevance of involving stakeholders based on their interest towards a specific CBC area/project as well as on their capacity.



APPROACH

SESSION 1 – RATIONALE FOR
CIVIC ENGAGEMENT IN CBC

**SESSION 2 – HOW TO MAP
STAKEHOLDERS**



Step 1 – Identifying the problem

- ELABORATION OF A COMPLETE DATABASE OF STAKEHOLDERS OF THE CROSS-BORDER AREA:
 - Consultation of existent materials (e.g. studies, research) regarding cross-border areas.
 - Consultation of official registers (e.g. municipalities, chamber of commerce, etc.)
 - Consultation of on-line materials;
 - Identification of relevant dimensions for the context (e.g. institutional, cultural, economic, civil society, etc);
 - Elaboration of the concrete tool for stakeholders recording (i.e. Excel file)
- DATA SYSTEMATIZATION
 - The complete list of actors of the cross-border area has to be arranged according to specific dimensions, as follows:
 - Institutional – E.g. Actors representing different levels of government and governance
 - Cultural - E.g. Actors involved in the management, promotion and conservation of cultural goods
 - Economic - E.g. Economic operators of different sectors
 - Social – E.g. Associations and/or NGO of Civil Society operating in

Step 2 – Assessing stakeholders' interest and capacities

The level of interest for a specific CBC intervention/project/area/etc of a stakeholder, must be assessed by means of a questionnaire, aiming to gather data on:

Rationale -brief explanation of the topic at stake;

Identification of the level of interest stakeholders have on the topic;

Identification of the availability of the actor to be involved (in terms of resources: time, financial, in-kind, etc);

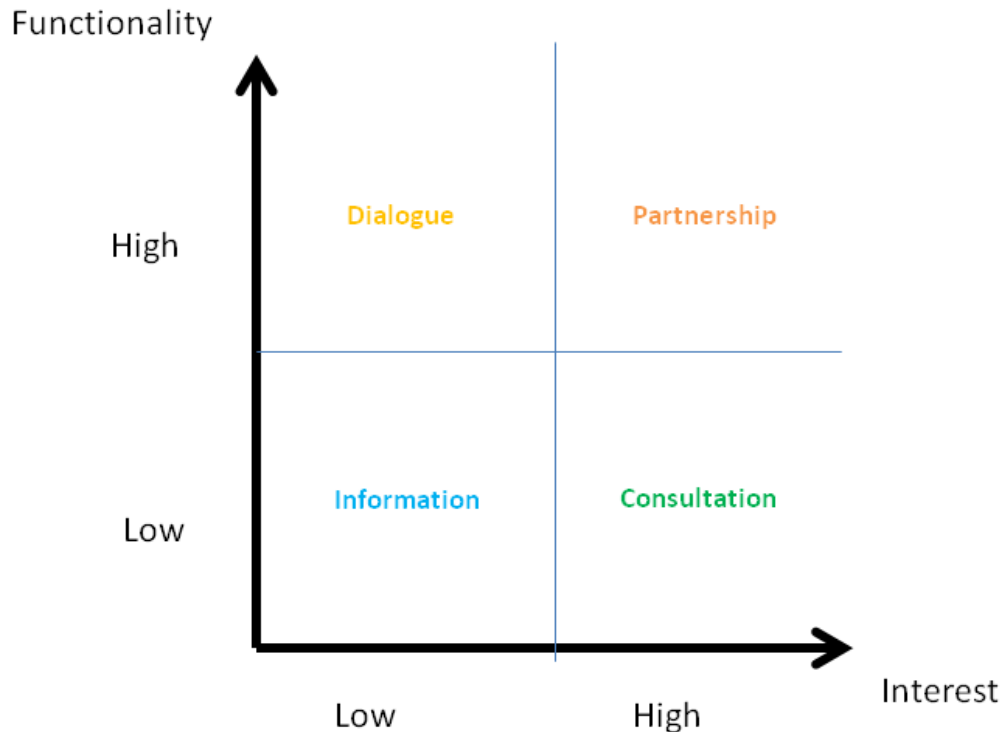
Identification of the capacities of the actor in the field at stake;

Identification of the positioning of the actor within his/hers operative network of reference (i.e. potential multiplier effect of the stakeholder).

STEP 3 – Identifying stakeholders' involvement relevance

In order to identify the relevance of a specific stakeholder for a specific CBC project/process, an assessment of its functionality must be performed.

The results of such assessment will be crossed against the stakeholders' level of interest, in order to identify the desirable level of involvement of the stakeholder.





TOOLKIT FOR CROSS-BORDER COOPERATION PRACTITIONERS

Leadership Academy Programme (LAP) for
Cross-Border Cooperation

Delivering Good Governance

TOOLKIT FOR CROSS- BORDER COOPERATION PRACTITIONERS

Leadership Academy
Programme (LAP) for
Cross-Border
Cooperation

The Toolkit is intended as an easy-to-use
companion for both CBC actors (i.e. competent
regional and local authorities) and CBC trainers,
targeting CBC practitioners within border areas.

CENTRE OF EXPERTISE FOR LOCAL GOVERNMENT REFORM

in cooperation with

ISIG
Institute of International Sociology of
Serbia

June 2017



CENTRE OF EXPERTISE
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REFORM



CBC LEADERSHIP

Toolkit for CBC Practitioners (2016)

Leadership Academy Programme (LAP) for CBC (2016)



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Leadership - delivers and tackles change by giving purpose. Leadership is about taking risks and crossing boundaries - both organizational and personal

Leadership vs. Management

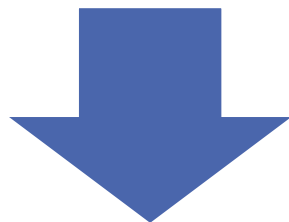


Management - coordination of available resources so to achieve set goals and objectives. Management is about following a schedule of known tasks, minimizing risks, pursuing efficiency and effectiveness.

Leadership vs. Authority

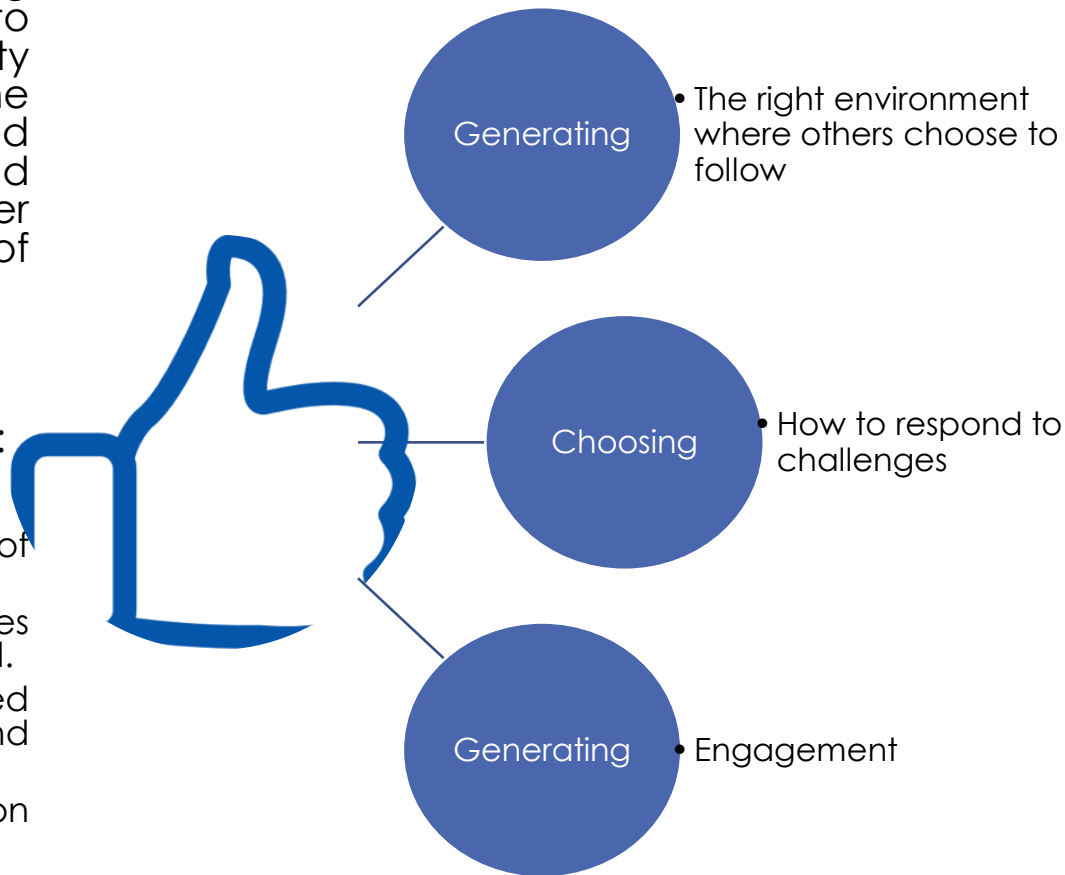


Leadership - relates to the "living" mechanisms of an organization. It is about stimulating the "informal" elements in the organizations, such as staff motivation and commitment.



Authority - relates to the formal mechanism of power. It is about giving directions on how to achieve set objectives and deadlines, thus relating to formal mechanisms in an organization.

- CBC is about horizontal, non-hierarchical relationships among local authorities. A key stimulus to CBC is competent local authority leadership that can see the opportunities that CBC provides and will use influence, conviction and commitment to bring on-side other local authorities from both sides of the border.
- Such leadership will take the time to:
 - Explain the benefits of CBC.
 - Acknowledge the different interests of potential partners.
 - Seek a 'win-win' solution to challenges faced or opportunities to be exploited.
 - Prepare staff and elected representatives to welcome and sustain cooperation.
 - Mobilise all efforts in a common purpose.



Small steps approach

- change occurs when you undertake small initiatives and achieve specific objectives

Organisation iceberg

- give motivation to the actors engaged in CBC, do not concentrate only on the “tip of the iceberg”. Stress the importance of CBC for the community's development – do not approach CBC by tasks

Listening

- a CBC champion is required to perform active listening

Team-working

- CBC is about team-work, a CBC champion must inspire and coordinate, but the process is developed by the team as a whole

Strategic thinking

- a CBC actor should share the priorities with his/her team

Managing criticism

- a CBC champion should take responsibility of his/her actions

Managing risk

- a CBC champion does not avoid risk, but exercise caution

Alina TATARENKO

Head of the Centre of Expertise
for Local Government Reform

Directorate General II -
Democracy Council of Europe,

67075 Strasbourg, France

Tel: +33.3. 88 41 2847

Alina.Tatarenko@coe.int



Centre of Expertise for Local Government Reform



The Centre of Expertise for Local Government Reform is the Council of Europe operational arm in the field of **multi-level governance**.

Established in 2006, following a decision of the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 2005), the Centre was created to facilitate and consolidate good governance at the local and regional levels by promoting European standards and best practice in the

field.

The Centre's ultimate aim is to promote the 12 Principles of Good Democratic Governance, based on benchmarks and innovative methodologies ("tools") inspired by the guidelines of the European Committee on Democracy and Governance (CDDG) and the recommendations of the Committee of Ministers of the Council of Europe.

The practical and impact-oriented "specific projects" are implemented in cooperation with local, regional, national and international stakeholders and are aimed both at improving the legislation and at strengthening the institutional capacity of all tiers of government.



ACTIVITY REPORTS

- Activity Report 2016
- Activity Report 2015
- Activity Report 2014

12 Principles and ELoGE

Calendar

Calls for Experts

Twitter
Facebook



12 Principles of Good Governance and ELoGE



Toolkits



Specific projects in Member states



Partnership for Good Governance



CENTRE OF EXPERTISE
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