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in co-operation with
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and
the “Executive Campus HSG of St Gallen University”

in the framework of the Swiss Chair
of the Committee of Ministers of the Council of Europe

CONFERENCE

on “Democracy and decentralisation -
Strengthening democratic institutions through participation”

St Gallen, Switzerland, 3-4 May 2010

SPEECH

by Mr Thorbjørn JAGLAND
Secretary General of the Council of Europe

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Secretary General of the Council of Europe
Conference on Democracy and Decentralisation,
Sankt-Gallen**

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Ladies and Gentlemen,

It is a great pleasure for me to attend this conference on « Democracy and Decentralisation », which is going to deal with issues that are at the heart of the Council of Europe's work.

The Council of Europe has always paid a very close interest to the importance of local of democracy. The Conference of Local Authorities of Europe was created in 1957. It later became the Congress of Local and Regional Authorities, a body which represents both local and regional authorities through their elected representatives. The European Charter of Local Self-Government is the Council of Europe's magnum opus in the field of decentralisation. It came into force over two decades ago, on 9 September 1988. The Parties to the Charter committed themselves to applying basic rules guaranteeing the political, administrative and financial independence of local authorities. The Charter is based on the principle of subsidiarity, stipulating that public responsibility should be exercised preferably by the authorities closest to the citizens. The Charter was the basis for the Council of Europe's assistance to the new democracies in Central and Eastern Europe which had to establish local self-government from scratch.

Another body of the Council of Europe, the European Committee on Local and Regional Democracy, was set up in 1967. This Committee facilitates direct co-operation between the Council of Europe member states in the field of local and regional government and prepares in particular the Conferences of Ministers responsible for local and regional government.

Let us now come back to the importance of decentralisation for democracy.

Democracy is the power of the people. First of all, it means free and fair elections. It also means that democratically elected bodies function properly; that they are capable of adapting to the modern world; that there is a proper system of checks and balances. Genuine democracy also requires respecting diversity. It is also absolutely essential that democracy is close to the people. Decentralisation, in one way or another, is related to all these issues, let me explain in more detail.

Democracy means that the democratically elected bodies function properly. In the present world, it is difficult to deal efficiently with everything at the level of the nation-state. The discussion on the principle of subsidiarity will show this. Democracy therefore implies that there are a number of levels of power, each in turn with its own competencies.

Democracy means the capacity to adapt to the modern world, otherwise it would just be a matter of interest for historians and the Council of Europe would no longer work on the future of democracy, but merely on its past. The modern world is so complex that a number of issues must be dealt with at the infra-national level – but others must be dealt with at the supranational level.

Democracy also means checks and balances. Any concentration of power will lead to autocracy, which is the contrary of democracy. Checks and balances introduce a balance between the legislative, executive and judicial branches of power, and in particular prevent the dominance by the executive. But – and this is even more

important – democracy means the division of power between different levels of government. This is clearly the most difficult part of the exercise for politicians as well as for lawyers. Today's conference will not avoid tackling this issue, since it will deal with budgetary aspects – which are of course one of the main areas of dispute, as they involve the reallocation of charges bringing with it the possible imposition of further taxes on electors.

Democracy means the respect for diversity - it is not a dictatorship by the majority. Ensuring the autonomy of municipalities, regions and other territorial structures gives them the opportunity to make decisions with which their population agree, even if this would not be the choice of the national majority. This is particularly true where a specific autonomy status is recognised on the basis of the presence of national minorities and/or local characteristics. I am proud to say that the Council of Europe is one of the organisations which has been the most active in the field of the protection of minorities. This aspect of the issue is therefore of particular interest to us. Geography is of course only one on the criteria to determine minorities which are entitled to such respect. Other criteria include ethnic, religious, sexual and other minorities

Democracy also means that the power is close to the people. The notion of “people” has to be understood in two ways: as an abstract concept – that is, all citizens taken together -, and more concretely, all individual women and men. The less numerous you are, the better you understand the meaning of democracy; when a vote is taken by 2 to 1, you understand of course the weight of your vote. Without going to such extremes, democracy is at any rate more easily understood in small communities. You also have more of a chance to know who represents you if you have the possibility of running into your representative in the street.

In short, democracy cannot exist without a clear separation of powers between the centre and the periphery, and perhaps even on one or several intermediary levels. It is up to each state to decide how many of these levels are needed. The role of international organisations, is to define the general framework of European values and not to impose a solution.

The location chosen for this conference is an interesting one. Switzerland has long been considered to be an archetype of federalism – and still is. We could have held a conference on federalism. However, it is clear that most Council of Europe member states will never become federal – or even regional – states. The theme would have then been too limited. The issue of decentralisation on the other hand is a universal one, as it concerns every democratic state. In practice, federalism is just the most developed aspect of decentralisation – even if, historically, it was often linked to the delegation of powers to the centre. Decentralisation exists – and is necessary – in all states, the question is to what extent.

Before concluding, I wish to thank the Swiss authorities for having organised this conference.

This is one of the key events organised by the Swiss Chairmanship of the Council of Europe's Committee of Ministers. A few months ago in Interlaken, we dealt with the issue of the European Court of Human Rights' reform; this being the best known aspect of the Council of Europe's activity, protection of human rights and its most visible body, the Court.

Today's issue is not an entirely different one. Human rights cannot exist without democracy, and democracy implies decentralisation. All these issues are interlinked and this conference falls into the context of promoting European values – which are also universal ones, even if their promotion outside of Europe may appear to be still more difficult than on our continent.

The Swiss Chairmanship has therefore enabled us to address various central aspects of the Council of Europe's acquis for which I would like to take this opportunity to thank the Swiss Chairmanship.

My thanks also go to the Swiss Permanent Representation to the Council of Europe – Ambassador Paul Widmer -; to the government of the canton of Sankt Gallen – and its President Josef Keller -; to the University of Sankt Gallen; to the Venice Commission represented by its President Gianni Buquicchio and to all colleagues inside the Council of Europe as well as to all other partners who contributed to the preparation of this event, in particular the International Students Association. Thank you very much for your attention.

