

This manual is designed to assist local councillors in understanding their role and place in the council, to motivate them to be creative and innovative as elected representatives and to provide practical examples and information that could increase their effectiveness as council members. As local councillors you have taken up the challenge to use democracy and public participation to shape your community and to provide your society with a better future.

NDI also hopes to illustrate that democracy is not simply an event that takes place on election day, but that democracy is an ongoing process and the work of political parties and their representatives is a year-round challenge.

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INTRODUCTION

After the May 2001 local elections in Croatia, more than 8,500 councillors were elected to 564 county, city and municipal councils. Now, nearly two years later, the “freshman months” are behind you. Participating in debate, preparing acts or amendments and asking questions have become part of your usual work as councillor. As one of those councillors, you are now faced with the challenge of creating an effective and open council that serves as a democratic model and represent the interests of your community. In addition, as an elected representative, you need to translate your political party programs into concrete governance proposals in order to sustain the confidence entrusted to you by your voters and your party. You also have the task to oversee the work done by the mayor and the administration, regardless of whether you are a loyal member of the governing coalition or a straightforward member of the opposition.

So, as councillors, what do we hope this manual brings to you?

- ✓ An understanding of the need, importance and possibilities available for involving citizens, civic organizations and communities in the process of local governance.
- ✓ A thorough understanding of a council’s functions and the possibilities for you and your party in it.
- ✓ Motivation to be more creative in your function as an elected representative. Ideas mentioned here are suggestions and not meant to dictate or impose a standard solution for the many different situations faced by councils and their communities.
- ✓ Exposure to practical ways to plan your work as an elected official and examples of possibilities and opportunities available for new councillors.

Local governance should be local, and reflect the unique needs and aspirations of the community. The average citizen sees the local councillor as a representative of his or her particular party and as the face and voice of the local or county government. It therefore becomes very important that you as a councillor work to successfully represent your party and the needs and goals of your community.

WHAT IS DEMOCRACY?

The word democracy stems from the Greek language: *demos* (the people) and *kratos* (govern). Essentially, democracy means rule by the people; it is a group activity. It involves working, collaborating and negotiating with the people in your community. Democratic success depends on elected officials, such as yourself, inviting and welcoming public comment on your activities and decisions.

Democracy is much more than the ability of a majority or plurality of voters to grant and peacefully transfer political power and authority from one party or politician to another. True participatory democracy requires that citizens have the right and ability to actively participate in the political process at all levels; being able to communicate information about their priorities, their preferences and their needs to their government; to form special interest groups, neighbourhood associations, clubs, political parties; and to encourage their government to respond with programs and policies to address shared needs.

The role of local government in a democracy is a very special one. It is not only to exercise its authority to make policy decisions on behalf of the community, but also, and very importantly, to provide services to the community – services of daily importance for citizens and the community. Local government representatives in democracies look for ways to help determine what the needs, preferences and priorities of their constituents are. Successful local government representatives strike a balance among the council, the community and the party in order to most effectively represent the interests and needs of citizens.

The council is the place where policy choices are made under the public eye. During council meetings, you should debate the pros and cons of proposed regulations or budgets, as well as request information about and explanations of the way the local administration delivers services to citizens. Regardless of whether you are in the majority or in the opposition, you should fully participate in each session and share ideas and visions. The strength of a democracy is demonstrated by the degree to which different views can be expressed and choices made in a public manner, and citizens can participate in the determination of the direction in which their community will develop.

WHAT IS A COUNCILLOR?

THE COUNCILLOR'S ROLE

Local councillors have many various and important roles as elected representatives of the community, which include, but are not limited to, the following:

- ✓ Represent the interests of the community
- ✓ Represent the political party
- ✓ Offer opportunities for citizens' voices to be heard and use citizens' input to adopt acts that govern the local community
- ✓ Perform executive oversight
- ✓ Vote on budgets, with the goal of using resources effectively
- ✓ Vote on local acts and regulations that govern the local administration
- ✓ Prioritise policies at the local level
- ✓ Elect those who serve in the cabinet or have other leading functions within the administration

As a councillor, you should be a bridge between the citizen and the local administration, which means that you should be visible and accessible to all citizens, communicating with them on a regular basis. You should also work to develop your positions and proposals together with your party members, as representing people's interests will benefit your party and allow you to build strong policies, a key for future success.

Once you are in the council, the ideas you developed in your party will now stand the test of how effective they can be in terms of improving the lives of citizens and the community. "The test of cooking is in the eating. Let's go to the table!"

A COUNCILLOR'S ROLE WITHIN THE COUNCIL

Two of the main responsibilities of a local councillor within the council are executive oversight and budget management.

PUBLIC DEBATE ON LOCAL ACTS AND REGULATIONS

During council sessions you are asked to vote on proposals that will regulate the life of the local community. Part of the voting process is debating the language and content of the proposal, which is an important part of ensuring that the proposal can reflect the needs and priorities of the community and of your party. It is important to prepare yourself for this public debate, as the strength of a democracy can be seen by the degree to which the value of the contradictory debate is considered. Even if you are a member of the majority you should participate, and not leave the argument to be made between the opposition and the executive. Always remain open to new information and use the comments that citizens give you in your presentations and deliberations. As a member of a council commission, try to study the subject with which you are dealing and target a limited number of issues on which to focus, so your presentations during debates will be more meaningful and valued.

EXECUTIVE OVERSIGHT

In a functioning democracy, it is the job of elected officials to “oversee” the actions of the government. Although it may seem that the mayor and the executive government are the most visible and important, it is critical to remember that while the executive may be responsible for the day-to-day operation of the local governing units, it is the council that has the final responsibility for ensuring that the needs of the community are met.

If community needs are not being met, meaning that work or programs that have been approved and funded by the council are not being implemented or completed, then it is the responsibility of the elected officials and their parties to question the government and demand action. In order to question the government or to demand action, you must first gather information by

communicating with affected citizens or concerned groups. Their questions, suggestions and comments can then be used to organize your oversight work. In order to effectively obtain this information, you should schedule time to talk with these affected citizens or concerned groups, read their materials, set public hearings on specific issues, maintain regular office hours and stay abreast of local issues.

Using this background, you will be able to better use question opportunities at council meetings as well as participate in budget analysis, drafting of legislative and policy proposals and assessment of services provided to citizens. When reviewing cabinet minutes and tracking incoming and outgoing mail of the local government, you will find even more information that you as a councillor on behalf of your party can use to oversee the mayor and the executive administration.

BUDGET MANAGEMENT

After defining what the local government should do during its mandate, there is the question of how this government will finance its actions. The answer is through the local government budget. It is important to note that the local government cannot spend money if the expenditure has not been foreseen in the budget. The more detailed the budget is, the more precisely the council can steer expenses made by the government.

As a councillor, one of your responsibilities is to ask for explanations and details about the budget numbers because you must understand how local government funds are being used. You do not need to be a financial specialist to play a useful role in the debate and decision on the local or county budget. The trick is to understand basic budget information and ask questions!!

To improve your effectiveness as a councillor, identify a part of the budget, a government program or department you have an interest in, work within your club to clarify this interest, then study it in detail. After your area of interest has been determined, go and ask questions of people who understand the subject; make use of people in and out of the government. Ask questions, which will inform you about the real impact of the money spent and provide a foundation for your recommendations and decisions.

Effective Use of Budget Resources

The annual budget must be prepared and approved before the beginning of the fiscal year, which starts on January 1 of each year. Accountability and legality is built into the system through the Ministry of Finance, which monitors the use of local government revenues, and the State Audit Agency, whose function is to audit local governments' financial statements at least once a year.

Discussions about the allocation of funds should also reflect the needs, desires and priorities identified by members and groups of the local community. Even if the funds are not ultimately allocated, this will give additional visibility and credibility to local councillors and raise levels of trust between the councillor and representatives of the community.

Budget Transparency

An open and transparent decision making process is most important when it comes to the budget. Set up a procedure for citizens and interest groups to express their comments and make suggestions on the "draft" budget before the council holds its final public debate and makes the final decision. The more people that are given access to the budgetary process the more legitimate the budget will be and fewer complaints will be heard. Publicizing the draft budget or sharing it with organized groups in the community are examples of ways to ensure community input into the process.

A COUNCILLOR'S ROLE WITHIN THE COMMUNITY

As an elected representative, the local councillor plays an important role within the community. The councillor should represent the interests of citizens and the broader community within the council, incorporate citizens and community groups into the council decision-making process and openly communicate local government policies and decisions.

REPRESENT AND ADVOCATE FOR THE COMMUNITY

The first and most important role of local councillors is to represent their community. Anything that concerns or impacts the local community is the business of local councillors. You live in your neighbourhood, so you should bring the views and concerns of your neighbours to the council. Also, if you are part of local organizations, you should make sure that the principles, issues and concerns that drive these organizations are reflected in the decision-making process in the council and local administration.

Councillors and their parties need to act as advocates on behalf of the community, articulating the concerns of its people, campaigning for action, and if necessary, challenging the decision makers in other levels of government to protect the interests of the community and its people.

Some of the matters that may arise in the council or committee meetings will be within the council's normal range of activities, but many matters, such as highway construction, may be outside the scope of the local government's immediate control. You, as a local councillor, together with the local government, should represent and advocate local needs in such matters.

GATHER INPUT FROM THE COMMUNITY

In order to be a good community representative and advocate, you need to know the position of members of the community on relevant issues. In order to ascertain these positions, try to schedule regular times and places where citizens can come to talk with you. As a councillor you should always ask citizens for their views on local problems and their recommendations for proposed solutions. Remember, as a councillor you must be visible and accessible to everyone in the community. In order to communicate with citizens, you can do such things as use your party newsletter to ask people to contact you as a councillor. As another example, you can make sure that press communiqués are sent not only to the media, but also to concerned citizens and groups, being sure to mention your contact information. Also, together with the volunteers of your party, you can go around the community with questionnaires on specific issues.

MAINTAIN COUNCIL TRANSPARENCY

Your council should be transparent in its decision-making, and should explain its actions and policies to the public. If the public is included in a process that leads to a difficult but reasonable decision, citizens are more likely to maintain their confidence in the council and respect the decisions that are ultimately made. The council should also be ready and willing to accept justified criticism and constantly examine its work to ensure its quality. Politicians often think that the public cannot deal with difficult political decisions; more often the opposite is true.

As said before, democracy is not only about election day, but also about the participation of citizens in decision-making processes. Citizens can only do that if the work of councillors and of the council is accessible and if citizens are informed. By working in a transparent manner, and allowing citizens to participate, you will have more chances to keep voters' trust and ultimately, your position in the council.

Well-organized councils should ensure that maintaining transparency of all council functions and soliciting public input are part of the council's routine operations. The following list provides guidance for transparency and public involvement:

- ✓ Council and committee meetings should be publicized and posted before they are held.
- ✓ Agenda items and issues to be discussed at committee or council meetings should be scheduled in advance and publicized to ensure that citizens have the opportunity to speak in favour of or against any issue on the agenda.
- ✓ Councils and their committees should encourage NGOs and other groups to present their opinions on issues that affect their work.
- ✓ At the end of each council meeting, a time period should be provided for questions from the public. Specific time limits should be set for each citizen's presentation.
- ✓ Where there are opposing or conflicting views, the council should follow the rules of common sense and provide for a fair hearing for all.

- ✓ Minutes from each council meeting should be prepared and made available to the public at a specified time and place, for example in a public location or on the internet.

- ✓ Newsletters, public notice boards, press releases and e-mail should be used to consult and inform residents when decisions are made, and, whenever relevant, an opportunity for feedback from the public should be given before the final implementation of decisions takes place.

Encourage Diversity

The council should be a place where the diverse opinions of the community can be heard. In many instances the makeup of the council will reflect the community's identity and its political diversity. In those instances:

- ✓ The membership of all committees or working bodies should reflect the composition of the council.

- ✓ Information should be shared equally with all councillors and no document of the local authority should be kept secret, except those restricted by law.

- ✓ Individual councillors should have an equal right to propose and suggest acts or amendments to any decision of the council and its committees.

- ✓ Each councillor should have equal access to all committee sessions. The councillor should also have the right to speak at all committee meetings, but not to vote if he or she is not a committee member.

- ✓ The council should consult and collaborate with other councils and governments in the region on issues of mutual interest. It should use all opportunities to communicate with other levels of government whose activities may affect the local

community.

A COUNCILLOR'S ROLE WITHIN THE PARTY

The Importance of the Councillor in the Party

Before you were elected, you were an active member of your party branch office. You may have been the “wheel” around which the branch office turned. Now you are busy preparing for and attending council meetings, talking with the mayor and heads of departments, attending committee meetings and sitting on the boards of the municipal/city organizations. All of these activities are very important for your new responsibility, but they leave little time for party work. What is happening in your branch office? Is the party still active? Who is doing the work you used to do for the party? Is there someone responsible for the work of the branch office? Is there a plan to attract new members? What are the party's plans for the next election?

It is important for you to take the lead in reinvigorating the party now that the elections are over. Remember, you needed the help of the party to get elected; you will also need the help and support of the party again for the next election. Consequently, you must make sure that the branch office is still active and working. Without the party to provide this base of support, you may not be re-elected to another term of office.

Politicians often make the mistake of thinking that they do not need the party. They have the misconception that if they have a good image within the community, they, as politicians, will be able to reach their own political goals without party support. The opposite is true, though. It is only when you have an effective party that you have successful politicians – they go hand in hand.

Together with your party branch you should advance the political aims and visions for your community as expressed in your party's election program. It is important to demonstrate to

citizens that you take seriously and will work on the promises you made before the election. This is an ongoing process that you cannot do alone – your party is the best place to develop your ideas and proposals.

Acting as a Party Role Model

As an elected representative, you must be an active role model for the party branch and its membership. You need to continuously motivate existing party members to become more active and encourage new members to become involved and take on responsibilities within the party. Some ways you can do this are to include the party branch in your constituency outreach work or use the party branch to organize events where citizens can meet with you and other party members and express their opinions on specific issues.

Acting as a Party Spokesperson

Remember that while doing work as a councillor, you are also working as a spokesperson for your party. While making presentations in the council, you should mention “we from the (party name) stand for this or that.” Alternatively, when contacting citizens you should explain what your party stands for. You and your party will benefit if you are able to consistently express your party’s message.

If voters can see that the party is responsive to local issues and that the elected representatives from your party are effective in making positive change, they will be more willing to become involved in community activities and more likely to vote for your party in the next election.

The Importance of the Party Club in the Council

Whenever you have two members or more from the same party in your council, you should organize yourselves as a party club, regardless of whether your club is formally recognized by the local statute or council’s rules of procedure. The party club should serve as the forum where councillors from the same party meet to plan and strategize, using shared visions, political programs and messages.

The Functioning of the Party Club

The advantage of the party club is that you and the other councillors from your party can share the council's workload, which makes the work for every councillor member more manageable. The chair of the party club should allocate responsibilities to all members of the club. It is important not to leave anyone out! Do not centralize all responsibility with one or two members. Develop "expert" Councillors on specific issues to expand the expertise of the club. Also ensure that every council member is active and ready to speak at council meetings on those areas for which they have responsibility.

A well-run party club requires that all of its members work together to "organize and maintain" a functioning organization. Do not think, "Because we all belong to the same party we will all work well together and agree on the same issues!" Coordination and consensus on club positions and strategies require time, work and personal investment.

Club Meetings

The party club should organize meetings independently from the council session. On average, two meetings between council sessions may be sufficient. One meeting should be used to prepare political strategies and broader positions, such as those topics or issues you want to put on the agenda of the council session. The second meeting should be used to prepare for the council session itself and to eliminate or reduce last minute obstacles. If two meetings are too much, try to agree on a regularly scheduled planning meeting between council sessions.

The club meeting should be a closed political meeting where the representatives from the same party discuss and decide their position in line with the party's program and political strategy. These closed party club meetings should encourage an open, frank and democratic discussion about the issues at hand and should be used to develop a consensus for the position and common strategy the political party will take within the council.

Club Policy

As a rule, party club meetings should allow for political disagreement within the confines of a closed meeting. However, once a decision is reached all members should publicly support the decision of the club. This is the key for the operation of an effective party club.

Types of Party Clubs

Your party club may function differently depending on the number of your party members on the council as well as whether your party is part of the governing coalition or the opposition.

One or Two Member Party Clubs

One or two member party clubs are relatively easy to organize. Although small in terms of the number of members, this kind of club still has an important job. It must work to ensure that its party's positions and its concerns about the government are heard by the council and the public. The club must also work to keep its party and local branch offices active and involved. To accomplish these tasks, the club must coordinate and plan its actions and initiatives.

In order to maximize its resources and effectiveness, this kind of party club should limit its political activity to those issues where the party's voters have a specific interest. Do not try to become an expert on all of the issues the council will discuss but select those topics that will strengthen your party's profile. Maintain regular contact with your party's councillors from neighbouring municipalities and counties as well as party leadership. Working in a coordinated effort with neighbouring councils on a common issue often gets more attention from the press and the public than the singular efforts of one or two councillors.

Majority Clubs/Clubs in the Governing Coalition

When your party has the majority or participates in the governing coalition, you automatically have the tools to work with the executive members to implement your plans and ideas. But if your party is a partner in a majority coalition, you may have to walk a fine line between your own party profile and the coalition agreement. It is a good idea for coalition partners to create coalition agreements that define how work should be done within the council. As the coalition works

within the council, each member party should appreciate and understand the need for every coalition party to “score” on policy issues that are very important to them.

The key to a stable coalition is timely and extensive communication. It is easier to build consensus on priority issues if coalition partners talk amongst themselves. For example, it is important to discuss significant political issues and try to reach consensus with all of the majority coalition members before you start public debate with the opposition.

After the post election period, many majority party clubs forget that they must develop a policy agenda for their council work. If the party club does not act, the administration will “steer” the agenda. Each majority club should plan a political course for the following four years and annually establish a new set of objectives.

Opposition Clubs

The role of the opposition club is important but can be frustrating, as normally the governing side does not want to hear what the opposition has to say. The party club in opposition is responsible for making sure the government works in everyone’s best interests, and it must continuously work to express its party’s position on the plans of the government. The work of the party club, through its strategies, questions, proposals and recommendations, puts limits on the potential for undemocratic governance.

As an opposition club you should present alternatives to government policies. Developing and presenting policy proposals different from the ones of the governing coalition is an important task for all opposition Councillors and their clubs. By doing so, you provide citizens with a democratic choice!

In order to do its necessary work, the party club must gain a solid understanding of the rules and procedures that direct the operation of the government. The better the club knows and understands the law, the easier it can obligate the government and its majority to operate within the framework of the law. The opposition club must also work to ensure that the council is open to public input and discussion. Finally, the club must work to keep the party and local branch offices active and involved. For example, presenting the club’s functioning, distributed

responsibilities and action plans to the party branch, leadership or membership, will help to strengthen the link between common party members and you as an elected representative.

Effective Club Operation

The keys for effective and productive work in a party club are:

Communication

Ensuring that the entire party club knows what party representatives are doing in council committees as well as on boards and commissions

Delegation of tasks and responsibilities

A Job for Everyone

The club leader cannot do everything! Don't consolidate all of the responsibility in the hands of a few people. The club should work as a team, where experienced and new members share the work and build together the options and the positions that they will take. It is important to ensure that new club members receive from the beginning specific roles and responsibilities. They should be given an opportunity to prove themselves and get involved productively in the club work.

Internal Democracy

Use of the democratic process within a party club consists of more than just obtaining a majority vote. It also consists of regular debate, during which care is taken to ensure that all views have been expressed and weighed against each other. Use of the democratic process within a club is also an opportunity to build long-term cohesion within the club and the loyalty of club members.

Expectations

It should be clear at the outset what a party club expects from each of its members. Remember the saying: *podrazumijevanje = nerazumijevanje* (implicitness = lack of comprehension). Unexpressed expectations are often the reason small resentments grow into bigger problems. If expected commitments are clearly stated and understood by all club members, it is easier for everyone to meet his or her responsibilities and obligations.

Evaluation

Time should be planned and scheduled for club members to evaluate the work of the party club. An opportunity should be created once or twice a year to meet outside the council meeting agenda in a less stressful atmosphere to review club policies and distribute tasks and responsibilities. These meetings are also an opportunity to prepare a presentation on the club's work for the annual party congress. In addition to the work of the club, the presentation should highlight the specific contributions made by each councillor.

Building a Network

Some of the best resources for ideas and suggestions are the local councillors from your party that are active in other municipalities and counties. Ask your party to organize communication between councillors from the same region. Build a network among your party councillors – ask each councillor for their name, telephone number and e-mail address. Encourage everyone within the network to share and discuss common topics and problems, as well as their success stories of party actions and council work. Your party club and your council could benefit from this wealth of experience. The network can also be used to undertake simultaneous actions on an issue that is a party priority in all local councils. These coordinated actions will get the attention of the media and the public.

Your party may have someone at the headquarters level whose task is to assist and develop communication among your party's local councillors. You should communicate your successes and lessons learned with this person on a regular basis. In turn, this person will make sure that the other levels of the party – leaders, county organizations, members of parliament – are informed and aware of the work you have done and the progress you have made.

THE IMPORTANCE OF COALITIONS

In most local government units, parties have to work together to form a majority that will govern the county, town or municipality. Your political influence and leverage will expand when you learn the methods and tools to negotiate productive, workable and fair agreements. In most cases parties that work towards full control of the council and wait until the voters give them an overall majority lose in the long run. Similarly, those parties and local councillors that are unable or are unwilling to build fair coalition agreements will be avoided in the future by possible coalition partners.

Here are a few suggestions on how to prepare for negotiations and some hints on how to structure a coalition negotiation process:

PLANNING A SUCCESSFUL NEGOTIATION

If your party wants a successful negotiation, you and your party councillors as well as your party branch should go through the following steps together before starting the talks with the coalition partners around the table.

Ensure that your party's goals and objectives are understood within the party club. What is it that you want to achieve in terms of policy development or addressing specific improvements in the community? What are the concrete aims you have in changing or developing the local administration? Put those things on paper so they become "very clear" for the entire party club. It would be best to use the party's election platform or program as a guide to draft the specific governing programs you want to achieve.

Make a list of what your party believes are the issues and proposals of your negotiation partners. The better you understand the positions, rationale or motivations of your negotiation partners, the easier it will be to find solutions and proposals that can satisfy everyone around the table.

If you expect difficult negotiations you should think about the "Why" behind the positions and proposals of the parties and people at the negotiation table. Sometimes it is easier to reach

consensus on proposals if you can clarify the interest behind it and suggest other proposals that will ensure that all interests are protected.

- ✓ When working on tough issues, develop a set of suggestions that can be proposed as a compromise during the negotiations. Often the party that has prepared a list of compromise suggestions will have a greater chance of reaching compromises that they can work with.

- ✓ Refer to other concrete examples in the country or elsewhere and develop objective criteria that can be used to build consensus among the partners. Often your policy suggestions have been implemented with success somewhere else in Croatia or in another country. Make sure you have those examples on hand to show that you are not asking for “dream solutions” but effective policies that are already in place and working.

- ✓ It would be very useful to hold a round of consultations with special interest groups, NGOs and other civic organizations in the municipality to hear their concrete suggestions for the new governing coalition agenda. This would help build legitimacy for the coalition by allowing organizations and groups to have input in the policy decision-making process. These groups have expertise in their respective subject areas, so you could gather ideas, some of which could be completely new. This round of consultations could be the first step in the negotiation process, ensuring a discussion based on proposed programs, real issues and achievable solutions.

The Negotiating Attitude

When it comes to your negotiating behaviour, understand that you will have more of a chance for success if you treat the parties around the table as “partners”. Try to identify and build policies on which you can work together cooperatively. Remember to allow your partners a fair deal. In the end, they need to have an agreement they can sell to their party and voters. If it looks as if they have compromised too much, the agreement will not hold the coalition together.

THE COALITION NEGOTIATION PROCESS

A negotiation process is necessary to build a coalition based on a strong foundation. The process must cover all of the essential areas the coalition partners will need for working together in the future. In several countries political parties have used a negotiation process with clear responsibilities, schedules and goals to assist in the discussions among the coalition members. A negotiation plan follows which could be used as a guide for your party's negotiation efforts:

The Plan

First, a plan is necessary to "move" the negotiation through the necessary process. As part of the plan it would be advisable for all of the parties around the table to agree upon and appoint one person or a team of persons as moderators. This team would be responsible for the "negotiation process". Often the candidate mayor and his future deputy play the role of moderators. However there are examples where parties agree to use, as moderators, individuals who will not take a position in the new government. Moderators are often a useful tool for building trust among coalition partners. The role of the moderators in the negotiation will be to draft and suggest compromises, policy documents and agreements. Although in many cases the moderators are politicians with a specific party background, their primary task is to give the necessary time and attention to the negotiation process and to keep it moving. Representing and negotiating for their particular party's positions is the role of the parties' negotiation teams.

The Negotiation Agenda

Secondly, a complete agenda for the coalition agreement must be created by the coalition partners. The moderators should have the task of drafting such a document using the ideas and suggestions from community organizations and the party programs of the coalition partners. A first draft of the document will serve as the basis for negotiation and will be amended during the negotiation process. During the negotiation, moderators should summarize the agreements reached as well as develop and propose compromises to advance the negotiation. Often they will look for win-win situations where all partners can find some of their agenda in the final product. At minimum, the following three subjects must be discussed and agreed upon by the coalition members.

↳ Financial and Budget Policies

- n The long-term financial and budgetary policy framework for the life of the coalition must be discussed, negotiated and agreed upon. The questions the coalition partners must think through include but are not limited to the following:
 - § How to deal with a budget deficit and how fast can you reach a balanced budget?
 - § What major investments are planned during the governing tenure?
 - § Will taxes be lowered or increased?

- n Working on this framework at the start of the coalition provides for easier year-to-year budget negotiations.

⌋ Policy Agreements for All Sectors of the Government

- n There must be coalition policy agreements for all sectors within the local government. The agreements should cover transportation, urban or rural planning, waste and trash collection, social affairs, schools and education, environmental protection and policies toward women, youth and pensioners, among others. The negotiators should draft clear and concise sets of policies for these areas. These policies will guide the different members of the cabinet in the day-to-day implementation of their work. Although each councillor will work on and look at issues through their own party glasses, they will all be bound to implement and execute programs in compliance with coalition policies. The agreements will also serve to keep the government and its cabinet accountable to the agreed upon policies.

⌋ Distribution of Responsibilities and Duties

- n Assign names or parties to the different jobs and responsibilities within the government cabinet and administration. In many cases this is the part of the negotiation process that is the best known, as the general public tends to believe that politicians are only interested in positions. Although no party should veto the candidates of the other coalition partners, when selecting its candidates, each party should be aware of the “team spirit” needed to ensure success as a coalition.

Involvement of Coalition Parties in Negotiations

Thirdly, a procedure must be developed to determine a balance between the effectiveness of the process and the involvement of coalition parties. A possible solution is to appoint small negotiation teams that will have the responsibility of making the decisions on compromises for priority political issues. Smaller negotiation teams could also be created to work on each of the policy sectors of the agreement. This resolution would be an effective tool for including additional members of the parties in the decision making process (more than the typical four or five) and would also be useful in building among the different parties the consensus necessary for the final coalition agreement.

Discussion and Ratification of the Coalition Agreement

Finally, it is very important to provide the time for each party to discuss and accept the complete coalition agreement. The negotiators that prepared the agreement will probably defend the results they have reached, but only the parties, with input from their members, should make the decision to consent to the terms of the agreement and to enter the coalition.

Publicizing your Coalition Agreement

There is nothing secret about your vision for your government and the concrete policies on which your coalition will work. Your voters should understand that you made compromises with other coalition partners, and were not able to get all of your ideas in the final agreement. By making the coalition agreement available to the public, members of the community can see how their individual votes resulted in a concrete policy plan. In addition, your civil society partners will be

enthused to find some of their ideas mentioned. Some ways to make your coalition agreement freely available include posting it on the municipality website or publishing it in the local newspaper.

APPENDIX I

WHAT IS A COUNCIL?

The Croatian government system is a three-tiered system comprised of a central government, counties and municipalities/towns. The counties are units of regional self-government while municipalities and towns are units of local self-government. Local government units come in all shapes and sizes, from under 100 residents to almost one million. As of 2001, Croatia has 20 counties, 121 towns and 423 municipalities. There are approximately 8,500 elected councillors in local and county councils. These councillors are elected for a period of four years. While they are not paid a salary, they receive an honorarium for each session.

The number of councillors in local councils differs according to the size of local

communities they represent:

- ✓ Municipalities up to 3,000 inhabitants have from 7 to 13 councillors;
- ✓ Municipalities ranging from 3,001 to 10,000 inhabitants have from 9 to 15 councillors;
- ✓ Municipalities and towns ranging from 10,001 to 30,000 inhabitants have from 13 to 19 councillors;
- ✓ Towns with more than 30,001 inhabitants have from 19 to 35 councillors;
- ✓ Counties have from 31 to 51 councillors; and
- ✓ The City of Zagreb has 51 councillors because of its dual status as city and county.

There are five laws that define the system and structure of local government in Croatia:

- ✓ Constitution of the Republic of Croatia
- ✓ Law on Territories of Counties, Towns and Municipalities
- ✓ Law on the City of Zagreb
- ✓ Law on Local and Regional Self-Government
- ✓ Law on Election of Members of Local and Regional Self-Government Representative Bodies.

The local government financial powers are stipulated in the Law on Financing of Local and Regional Self-Government. There are also many other laws that define revenue sources and obligations of local governments in balancing public services.

The Department for Local Self-Government at the Ministry of Justice, Administration and Local Self-Government is the place to get more information. Do not hesitate to get in contact with them and to ask questions:

Department for Local Self-Government
Ministry of Justice, Administration and Local Self-Government
Ul. Republike Austrije 14
10000 Zagreb

Department Tel: 01/3782-182
Department Fax: 01/3782-192
Ministry Tel: 01/3710-666, 3782-111

APPENDIX II

THE BUDGET PROCESS

The Budget Cycle

The budget cycle consists of four phases, lasting 25 months; for example, the budget for the year 2003 was created as follows:

1. *April – October 2002*: Planning and preparation of the budget, this task was done by the

local government office.

2. *October – December 2002*: Budget discussion and adoption. In this phase there is an opportunity for public involvement in the budget discussion.
3. *January – December 2003*: Budget is implemented.
4. *January – May 2004*: Final record is completed and the result of the previous budget year is known.

Financial Reports

Major financial reports from the budget are:

Balance Sheet

- ✓ Indicates the current assets and liabilities of your local government.
- ✓ Static picture of what is owned and owed by your government on December 31 of a given year.

Revenue and Expenditure Accounts

- ✓ Lists all the income for the local or county government unit such as local taxes, transfers from the national government and fees paid for services.
- ✓ Identifies all costs expected to be incurred during the following year: salaries, working costs, investments, interests on loans and transfers of funds. Generally each of these costs will be indicated department by department.

Consolidated Balance of Capital Assets

- ✓ Gives an estimate of the value of buildings, cars and other major property owned by your local or county governmental unit.

Borrowing Account

- ✓ Identifies the outstanding loans of the unit that have to be repaid.

Budget Notes

The most important budget tool for the councillor is the set of notes that accompany the budget. This information should answer many of your questions. Ask the government to provide the budget notes in a language that the average citizen can read and understand. If the notes are written only for bookkeepers and accountants then the information provided can be difficult to use by the average councillor. In addition, clear and understandable notes are important if you want the public's input in the debate on the budget.

APPENDIX III

**European Code of Conduct for the Political Integrity of Local and Regional
Elected Representatives**

Preamble

The Congress of Local and Regional Authorities of the Council of Europe,

Stressing that local and regional elected representatives carry out their duties within the framework of the law and in accordance with the mandate given to them by the electorate and that they are accountable to the whole of the local or regional population, including those electors who did not vote for them;

Considering that respect for the electorate's mandate goes hand in hand with respect for ethical standards;

Deeply concerned by the increase in the number of judicial scandals involving political representatives who have committed offences while in office and noting that local and regional elected representatives are not above such offences;

Convinced that the promotion of codes of conduct for local and regional elected representatives will allow trust to be built up between local and regional politicians and citizens;

Convinced that a relationship of trust is indispensable for elected representatives to be able to perform their role effectively;

Noting that legislation is more and more frequently supplemented by codes of conduct in various areas such as commercial relations, banking relations and administration;

Believing that it is the duty of local and regional elected representatives to take similar steps in their various areas of responsibility;

Convinced that a definition, in the form of a code of conduct, of the ethical obligations of local and regional elected representatives will clarify their role and duties and reaffirm the importance of those duties;

Convinced that such a code must encompass as fully as possible all the work done by elected representatives;

Stressing that rules of conduct imply those ethical imperatives must be respected;

Pointing out that the whole of civil society must be involved in restoring a climate of confidence and stressing the role of the citizens themselves and the media in this respect;

Reasserting that obligations cannot be imposed without guarantees being granted to enable local and regional elected representatives to fulfil their duties and recalling in this respect the relevant provisions of the European Charter of Local Self-Government and the Draft European Charter of Regional Self-Government;

Taking into consideration the legislation currently in force in member countries and the relevant work being done at international level, proposes the following Code of Conduct for the Political Integrity of Local and Regional Elected Representatives:

I. SCOPE

***Article 1* - Definition of an Elected Representative**

For the purposes of this Code, the term “elected representative” means any politician holding a local or regional authority mandate conferred through a principal election (election by direct suffrage) or secondary election (election to executive office by the local or regional council).

***Article 2* - Definition of Functions**

For the purposes of this Code, the term “functions” means a principal or secondary elective mandate and all functions performed by an elected representative under that mandate.

***Article 3* - Object of the Code**

The object of this Code is to specify the standards of behaviour expected of elected representatives in the performance of their duties and to inform citizens of the standards of behaviour that they have a right to expect of their elected representatives.

II. GENERAL PRINCIPLES

***Article 4* - Primacy of Law and the Public Interest**

Elected representatives hold office under the law and must at all times act in accordance with the law.

In performing their functions, elected representatives shall serve the public interest and not exclusively their direct or indirect personal interest or the private interest of individuals or groups of individuals with the aim of deriving direct or indirect personal benefit therefrom.

Article 5 - Objectives of Fulfilling a Mandate

Elected representatives shall undertake to perform their functions with diligence, openness and a willingness to account for their decisions.

Article 6 - Constraints of Fulfilling a Mandate

In performing their functions, elected representatives shall respect the powers and prerogatives of all other political elected representative and all public employees.

They shall not encourage or help any other political representative or any public employee to breach the principles set forth herein when performing their functions.

III. SPECIFIC OBLIGATIONS

1. Taking of Office

Article 7 - Rules Governing Election Campaigns

Candidates' election campaigns shall aim to provide information and explanations on their political programmes.

Candidates shall not seek to secure votes by any means other than persuasive argumentation and debate.

In particular, they shall not attempt to obtain votes by slandering other candidates, by the use of violence and/or threats, by tampering with electoral rolls and/or the results of the ballot or by granting or promising favours.

2. Holding of Office

Article 8 - Ban on Favouring

Elected representatives shall not perform their functions or use the prerogatives of their office in the private interest of individuals or groups of individuals, with the aim of deriving a direct or indirect personal benefit therefrom.

Article 9 - Ban on Exercising Authority to One's Own Advantage

Elected representatives shall not perform their functions or use the prerogatives of their office to further their own direct or indirect private or personal interests.

Article 10 - Conflict of Interests

When elected representatives have a direct or indirect personal interest in matters being examined by local or regional councils or by executive bodies, they shall undertake to make those interests known before deliberations are held and a vote is taken.

Elected representatives shall abstain from any deliberation or vote on a question in which they have a direct or indirect personal interest.

Article 11 - Limit on Concurrent Holding of Two or More Appointments

Elected representatives shall comply with any regulations in force aimed at limiting the concurrent holding of two or more political appointments.

Elected representatives shall not hold other political appointments where this prevents them from performing their functions as an elected representative.

Nor shall they have or hold functions, elective mandates, occupations or official appointments which entail supervision of their own functions as an elected representative or which they themselves are supposed to supervise in their capacity as an elected representative.

Article 12 - Exercise of Discretionary Powers

In exercising their discretionary powers, elected representatives shall not grant themselves any direct or indirect personal advantage, or grant any individual or group of individuals an advantage with the aim of deriving a direct or indirect personal benefit therefrom.

Detailed grounds shall be given for any decision, specifying all the factors on which the decision is based, in particular the applicable rules and regulations, and showing how the decision complies with those rules and regulations.

Failing any rules and regulations, the grounds for the decision shall include elements such as to show its proportionality, fairness and conformity with the public interest.

Article 13 - Ban on Corruption

In performing their functions, elected representatives shall refrain from any conduct qualifying, under the national or international criminal law in force, as active or passive bribery.

Article 14 - Observation of Budgetary and Financial Discipline

Elected representatives shall undertake to observe budgetary and financial discipline, which guarantees the proper management of public money, as defined by the relevant national legislation.

In fulfilling their duties, elected representatives shall not do anything to misappropriate public funds and/or grants. They shall not do anything that might lead to public funds and/or grants being used for direct or indirect personal purposes.

3. Relinquishing of Office

Article 15 - Ban on Securing Certain Appointments

In performing their functions, elected representatives shall not take any measure such as to grant themselves a future personal professional advantage once they have relinquished their functions:

In public or private bodies over which they exercised supervision while performing those functions;

In public or private bodies with which they established a contractual relationship while performing those functions;

In public or private bodies which were set up during their term of office and by virtue of the powers entrusted to them.

IV. MEANS OF SUPERVISION

1. Taking of Office

Article 16 - Limitation and Declaration of Campaign Expenses

Candidates shall keep their spending on election campaigns in proportion and within reasonable limits.

They shall diligently comply with any measure under the regulations in force requiring the source and amount of the income which they devote to campaign financing and the nature and amount of their spending to be made public.

Failing regulations in force on the subject, they shall provide this information simply on request.

2. Holding of Office

Article 17 - Declaration of Interests

Elected representatives shall diligently comply with any measure under the regulations in force requiring their direct or indirect personal interests, their other mandates, functions or occupations, or changes in their assets to be made public or monitored.

Failing regulations on the subject, they shall provide this information simply on request.

Article 18 - Compliance with Internal and External Supervisory Measures

In performing their functions, elected representatives shall not hinder the implementation of any supervisory measure which the relevant internal or external authorities may, with due justification and openness, choose to take.

They shall diligently comply with any immediately enforceable or final decision by those authorities.

When giving grounds for their acts or decisions subject to such supervision, they shall expressly mention the existence of the supervisory measures and specify the authorities competent for implementing them.

V. RELATIONS WITH THE PUBLIC

Article 19 - Publishing and Giving Grounds for Decisions

Elected representatives shall be accountable to the whole of the local population throughout their mandate.

Elected representatives shall give detailed grounds for any decision which they take, specifying all the factors on which the decision is based, in particular the applicable rules and regulations, and showing how the decision complies with those rules and regulations.

Where that information is confidential, the reasons for such confidentiality shall be explained.

Elected representatives shall diligently respond to any request from the public concerning the performance of their functions, the grounds for their action, or the functioning of the services and departments coming under their responsibility.

They shall encourage and promote any measure which fosters openness concerning their powers, the exercise of those powers and the functioning of the services and departments coming under their responsibility.

VI. RELATIONS WITH LOCAL GOVERNMENT STAFF

Article 20 - Appointments

Elected representatives shall undertake to prevent any appointment of administrative staff based on principles other than recognition of merit and professional abilities and/or for purposes other than the needs of the department.

In matters of staff appointments or promotions, elected representatives shall take an objective, reasoned decision, showing due diligence.

Article 21 - Respect for the Role of Local Government Staff

In performing their functions, elected representatives shall show respect for the role of the local government staff reporting to them, without prejudice to the legitimate exercise of their hierarchical authority.

They shall not ask or require public employees to take or omit to take any measure such as to give themselves a direct or indirect personal advantage or give an advantage to individuals or groups of individuals with the aim of deriving direct or indirect personal benefit therefrom.

Article 22 - Promotion of the Role of Local Government Staff

In performing their functions, elected representatives shall ensure that the role and tasks of the local government employees reporting to them are promoted to the full.

They shall encourage and promote any measure which fosters improvements in the operating performance of the services or departments coming under their responsibility and the motivation of the staff concerned.

VII. RELATIONS WITH THE MEDIA

Article 23

Elected representatives shall respond diligently, honestly and fully to any request from the media for information concerning the performance of their functions but shall not provide any confidential information or information concerning the private lives of elected representatives or third parties.

They shall encourage and promote any measure which fosters media coverage of their powers, the performance of their functions and the functioning of the services and departments coming under their responsibility.

VIII. INFORMATION, DISSEMINATION AND AWARENESS-RAISING

***Article 24* - Dissemination of the Code to Elected Representatives**

Elected representatives shall undertake to ensure that they have read and understood all of the provisions of this code and the regulations referred to herein, and shall declare that they are willing to be guided by the provisions of the code.

***Article 25* - Dissemination of the Code to the Public, Local Government Staff and the Media**

Elected representatives shall encourage and promote any measure which fosters dissemination of this code to the staff reporting to them, the public and the media, and which heightens those persons' awareness of the principles contained herein.