

SUMMARY

Local democracy standards of the Council of Europe and their significance for the Polish legal order


The dissertation consists of ten chapters grouped in three parts, an introduction presenting research assumptions and the scope of the work, conclusion, a table listing the Council of Europe (CoE) conventions concerning local democracy and their application in the Member States and the bibliography.

The main research task was to analyze the work of the CoE aiming to harmonize the law regulating issues of local democracy in the Member States as well as appropriate monitoring and verification mechanisms. The study leads to a formulation of the thesis that local democracy standards established under the auspices of the CoE have substantive and institutional aspects. In substantive terms, these standards are based to a large extent on the principles of the European Charter of Local Self-Government (ECLSG), while at the institutional level, they are based on the activity of the Congress of Local and Regional Authorities.

The dissertation aims to answer the question what role has the CoE played in the process of establishing common European standards regarding local democracy. The objective of the work is to describe these standards and present them in the context of the Polish legal order.

Part One of the dissertation (Chapters I-III) describes the position of the local democracy standards in international law. The first chapter has an introductory character, analyzing definitions of local democracy, right to self-government, local communities and authorities in the context of public administration organization and the concept of international local government law. Then, the origin of the CoE is discussed and the importance of local democracy in the perspective of its statutory aims. The last chapter of Part One of the dissertation describes selected standards, both included in sources of international law and in soft law.

Part Two (Chapters IV-VI) shows the special role of the "treaty for local democracy" (the ECLSG) in the development of standards of the CoE. This part of the study starts from an overview of the ECLSG as an international agreement, with a historical and legal description of how it was incorporated in the Polish legal order. The next chapter, which discusses substantive standards of the ECLSG, includes a number of references to the Polish legal order,



also with *de lege ferenda* postulates. The principles included in this international treaty have been divided into three groups (standards of self-governance and subsidiarity; organizational standards; standards for financial autonomy, proportionality of supervision and status of representatives) and discussed in turn. The last chapter in this part is about the Additional Protocol to the ECLSG on the right to participate in the affairs of a local authority.

The legal status and organization of the Congress of Local and Regional Authorities as the "guardian of local democracy standards" is the theme of Part Three of the dissertation (Chapters VII-X). At the beginning of this part of the study, the origins and establishment of the Congress are discussed as well as its operational objectives. The next chapter first presents the issues of the composition and organization of this advisory body, and then its external relations and activities, including monitoring procedures and election observation. The last chapter describes the role of the Congress in disseminating the CoE local democracy standards.

The dissertation ends with a conclusion which presents a summary of the findings and *de lege ferenda* recommendations. The main conclusion derived from the work is the observation that the CoE local democracy standards are not only exemplary models of substantive solutions for the activity of local governments in the Member States but also the operation (within the institutional system of this international organization) of a body representing local and regional communities with its proper mechanisms influencing the state of local democracy in Europe.

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