

Strategy on Innovation and Good Governance in the Walloon Region

I. The legal framework

First of all, we analysed the relevant regulations and pieces of legislation, principle by principle.

This (non-exhaustive) memorandum was written in May 2008.

Legal framework in place in the Walloon Region (Belgium)

Principle 1: Fair conduct of elections, representation and participation

a) Federal elections every 4 years.

Regional elections every 5 years.

Municipal and provincial elections every 6 years.

The key features of the Belgian electoral system are enshrined in the Constitution:

- Elections are by universal suffrage;
- The principle of proportional representation applies;
- Every member of the electorate has one vote;
- Voting is by secret ballot;
- Voting is mandatory;
- Voting takes place in the municipality.

In addition, there is a raft of general and specific laws and regulatory decrees on elections, including **the Walloon Code of Local Democracy and Decentralisation** relating to the organisation of municipal and provincial elections (<http://wallex.wallonie.be>).

Foreign residents who are nationals of a European Union member state can vote and stand as candidates in municipal elections (and in the district elections in Antwerp) under the same conditions as Belgian nationals, subject to being registered on the electoral roll, whereas every Belgian national automatically becomes an elector on reaching the age of 18.

The reason for this registration requirement is the obligation to vote which does not apply to foreign nationals. Up to the elections of 2006, eligibility did not extend to the office of deputy mayor; the office of mayor remains open solely to Belgian nationals.

b) The Belgian Constitution has also included the notion of **gender parity** on electoral lists since 2002. This principle is further enshrined in the Code of Local Democracy and Decentralisation (CDLD).

Article L4142-7 du CDLD: "The lists of candidates shall meet the following requirements:

1. no list may contain a number of candidates greater than the number of councillors to be elected;
2. in each of the lists, the difference between the number of candidates of each sex may not be greater than one;
3. the first two candidates may not be of the same sex.

The provisions of the above paragraph shall apply only if the whole municipal or provincial council is standing for election."

c) As regards civic participation, the CDLD further provides for the following:

- municipal referendums (Articles L1141-1 to L1141-12);
- provincial referendums (L2214-1 to L2214-12);
- the possibility of establishing municipal (Article L1122-35) and provincial (Article L2212-30) consultative councils;
- the possibility of establishing participative councils at provincial level (Article L2212-31);
- the possibility of requesting in writing explanations on the decisions of the provincial council and the provincial college (Article L2212-28);
- the possibility for those living in the province to put direct questions to the provincial executive, at meetings of the provincial council (Article L2212-29);
- The Walloon Decree of 31 May 2007 on public participation in environmental matters includes a public inquiries procedure.

d) Numerous town planning decisions are subject to public inquiries (Walloon Code on Spatial Development - Article 4).

e) In order to encourage wider participation by citizens in the management of their local environment, the Walloon Code on Spatial Planning also provides, in Article 7, for the setting-up of municipal consultative councils on spatial development and mobility.

f) The Walloon Decree of 6 June 1991 concerns rural development operations and introduces, for example, municipal rural development plans.

Principle 2: Responsiveness

There is an ombudsman who operates across the Walloon Region.

Introduced by decree of the Walloon Parliament on 22 December 1994, the Office of the Ombudsman for the Walloon Region is part of the wider effort to ensure open government.

The purpose of the Ombudsman's Office, which is an independent institution, is to help people who experience problems in their dealings with the Walloon regional authorities. The procedure for filing complaints is informal and completely free of charge.

There is also a mediation service for intermunicipal associations in the Walloon Region (Article L1533-1).

The Code of Local Democracy and Decentralisation also authorises municipalities of more than 60,000 inhabitants to employ a local ombudsman.

Principle 3: Efficiency and effectiveness

Under Articles L1123-27 and L2212-47 of the Local Democracy Code of 22 April 2004, municipal and provincial executives are **required** to submit to the municipal/provincial council within three months following the local elections, a **general policy programme** covering their period of office, and including at least the main policy proposals.

This municipal or provincial policy statement is intended as an instrument for good governance, helping to organise the policy decisions taken by municipal or provincial councillors over the period that they are in office.

It is meant to help local authorities introduce a development programme that fits in with the regional strategy. It should reflect the actual conditions on the ground and take account of both the political and financial constraints of these grassroots institutions.

Interaction between Public Centres for Social Action (CPASs) and the municipalities is encouraged: there is a requirement to hold joint meetings between the municipal council and the social action council (CDLD Article L1122-11) and the President of the CPAS is deemed to be a member of the municipal college (CDLD Article L1123-3).

The annual meeting must include a presentation of the report on all interaction between the municipality and the CPAS, the economies of scale achieved and the elimination of unnecessary overlap in the activities pursued (Institutional Act on CPASs).

Intermunicipal co-operation is achieved through agreements between municipalities (CDLD Articles L1521-1 to 1521-3), project-based associations (CDLD Articles L1522-1 to 1522-8) and intermunicipal associations (CDLD Articles L1523-9 to L1523-25).

Principle 4: Openness and transparency

The CDLD includes provisions for publicising municipal council meetings and a system of actively providing information and responding to requests for it (Law of 12 November 1997, incorporated into the CDLD).

Active: provision of information: requirement to appoint an information officer and to publish a document describing the administrative authorities that come under the municipality - the contact details of the relevant staff member must appear on any correspondence from the municipality – and acts of individual application must indicate the appeal procedures.

Response to requests: the right to consult on the spot any administrative document (if the document is of a personal nature, proof of interest is required), on request, the right to rectification.

The CDLD requires municipal and provincial authorities to **publish and display** decisions taken and regulations adopted (Articles L1133-1 to L1133-3, L2213-2 and L2213-3).

In the performance of their duties, local elected representatives (municipal and provincial councillors) have the following rights under the CDLD:

- **right of convening:** at the request of one third of the councillors, the chair is bound to convene the council on the day and at the time indicated and to provide the draft agenda;
- **right of initiative:** the right to propose the inclusion of an item in the agenda provided certain formalities and deadlines are observed;
- **right to question:** the right to put written and/or oral questions to the executive body;
- **right of inspection:** the right to see and consult items relating to the administration of the municipality or province. The right of inspection naturally includes the right to consult files submitted to the council for consideration and to visit any establishments directly managed by the municipality or province;
- **the right to apply** to the Council of State for annulment or suspension of any measure damaging to the individual's interests as an elected representative.

Principle 5: Rule of law

The supervisory decree of 22 November 2007 (CDLD, Articles L3111-1 et seq.) was an attempt to address this problem and, ultimately, to restore everyone to their rightful role. The supervisory authorities now examine a greater number of local decisions and in advance of this supervision, they have increased their educational role. Local authorities will thus be encouraged to raise their standards, thanks to both this tighter supervision and, on a more positive note, the training given to local elected representatives and officials.

A unified body of administrative case-law is gradually developing, through the rights granted to local authorities to petition their supervisory minister or the Council of State. The annual report on the exercise of supervision, submitted by the minister to the regional Parliament, is a simple means of disseminating administrative case-law and, in so doing, promoting the principles of equal treatment, impartiality and foreseeability.

This report also includes an activity report by the supervisory authorities.

Principle 6: Ethical conduct

Local elected representatives have a general duty of care (obligation to refrain from acting). This duty is reflected in the prohibition on an elected representative intervening when he himself or his family have a direct or indirect interest in the decision to be taken. The law sought in this way to prevent local elected representatives from using their position to influence such decisions.

The CDLD (Article L1122-19) states that *"it is prohibited for all members of the council or college:*

1. *to be present at the deliberations on subjects in which they have a direct interest, either personally or as a chargé d'affaires, before or after their election, or in which their parents or relatives up to the fourth degree inclusively have a personal or direct interest.*

(This prohibition does not extend beyond parents and relatives up to the second degree in cases involving the nomination of candidates, appointments to posts and disciplinary action.) This prohibition does not apply to the provinces.

2. *to attend the examination of accounts of public administrations subordinate to the municipality and of which he or she is a member;”.*

It is likewise prohibited for all members of the council or college (Article L1125-10):

1. *to participate directly or indirectly in any service, charging of fees, supply or award of contracts for the municipality;*
2. *to act as barristers, notaries or business representatives in proceedings against the municipality. They may not, in the same capacity, plead, advise in or follow any dispute whatsoever in the interest of the municipality, unless they do so free of charge;*
3. *to act as counsel for a member of staff in disciplinary proceedings;*
4. *to act as a trade union representative or expert on a negotiating or consultation committee of the municipality.”*

The above provisions apply to town clerks.

There are no disciplinary penalties for local elected representatives who fail in this duty of care. Apart from any possible sanction by the electorate, they may, however, be liable to criminal prosecution.

Local elected representatives also have a duty of confidentiality with regard to information that comes to their attention in the course of their duties (particularly in closed-door sessions or when exercising their right of inspection). Elected representatives who reveal a professional secret are liable to the sanctions provided for in Article 458 of the Criminal Code and may be held civilly responsible for any harm done to third parties by the revelation of certain information.

In performing their duties, they may also learn of information of a private nature. Like any other public authority, they are required to respect the provisions of the Act of 8 December 1992 on the protection of private life; if they fail to do so, they lay themselves open to judicial action.

Local elected representatives are also not covered by any immunity: they are responsible for what they do and what they say in the performance of their duties.

Generally, the first responsibility of elected representatives (whether local or otherwise) is to keep a check on the action of the executive body.

The Act of 2 May 1995 on the requirement to submit a list of elective offices, posts and occupations and an assets declaration, applies to provincial governors, members of provincial colleges, mayors, deputy mayors and chairs of CPASs.

Section 3 of the above-mentioned act also requires the same individuals to deposit with the Court of Auditors, within a month of their first taking up a post or appointment, and on their resignation or the expiry of their term of office/post, an assets declaration that lists all claims (such as bank accounts, shares and stocks), all the property and all moveable items of value, such as antiques and works of art.

As indicated above, local elected representatives do not enjoy any immunity for acts carried out in the performance of their duties. They are thus liable to prosecution under ordinary law should the case arise.

The following disciplinary sanctions can be imposed only on mayors and deputy mayors: suspension or dismissal for serious misconduct or gross negligence.

Under Article L1123-14 of the CDLD, the municipal college is politically accountable to the council, which can table a (collective or individual) motion of non-confidence in the municipal college, or in one or more of its members.

At provincial level, under Article L2212-4 of the same Code, the provincial college is accountable to the council, which can table a motion of no-confidence in the provincial college or in one or more of its members.

Rules relating to professional conduct and ethics

Since the elections on 8 October 2006, municipal, provincial and social action councils have been bound to include provisions on professional conduct and ethics in their rules of procedure (CDLD Articles L1122-18 and L2212-14).

These rules cover, amongst other things, refusal to accept an appointment that could not be assumed in full, regular attendance at meetings of the council or local executive, relations between elected representatives and the local administration and willingness to listen to citizens and to provide them with information.

Principle 7: Competence and capacity

By developing new general principles in 1994, the Walloon Region established various guidelines for local and provincial authority staff.

In so doing, it hopes to improve effectiveness and human resource management and to meet the requirements of the new jobs that have emerged in the changing face of local government.

The various committees of the Regional Training Centre, set up by Walloon decree of 6 May 1999 as a consultation body for those involved in training local and provincial public sector staff and as an advisory body, organise training for local and provincial authority managerial staff in the Walloon Region.

Training courses for local elected representatives and officials by the Walloon Region have been introduced under agreements with the Union of Towns and Municipalities of Wallonia.

Among the duties of administrators of intermunicipal or project-based associations is the legal requirement to “develop and update their professional skills in the areas of activity covered by the intermunicipal or project-based association, by attending the training and information sessions held by the intermunicipal or project-based association on taking up their appointments and whenever current developments in a given sector so require.” (CDLD Article L1532-1).

Principle 8: Innovation and openness to change

This principle, by definition, falls outside the existing legal framework, except for the **new concept of notification in electronic format** of supervisory acts “in accordance with the arrangements laid down by the government”.

The obligatory provision of public consultation machinery (e.g. advisory councils of elders or municipal children’s councils) is being put into practice.

Principle 9: Sustainability and long-term orientation

Some rural municipalities have framed short, medium or long-term policies under the municipal rural development programme (PCDR) which is a strategy paper developed in close consultation with the public and submitted to the Walloon government for approval (cf. above).

Municipal nature development plans are drawn up in the form of local partnerships for nature development, which receive funding from the Walloon Region.

The general policy programmes referred to under **Principle 3** also fit in with **Principle 9**.

Principle 10: Sound financial management

In order to improve the quality of local authorities' financial management, the Walloon government has introduced various reforms in recent years.

1. Reform of the general rules on municipal accounting (RGCC) :

The aim of the RGCC reform approved by the Walloon government on 5 July 2007 is threefold:

- a) to simplify and optimise the accounting and financial management processes
- b) to refocus general accounting, making it more of a management and analysis tool
- c) to make documents more readable (budgets, accounts, statutory appendix)

2. Increased internal scrutiny

Internal scrutiny is to be tightened, first by enhancing the role of the town clerk and municipal or regional tax inspector and, second, by requiring municipalities with more than 20,000 inhabitants to set up an internal audit committee consisting of the tax inspector, a member of the college and representatives of the consolidated entities (CDLD Article L 1315-1).

To facilitate the implementation of these reforms, local authorities in the Walloon Region are being equipped with a computerised financial analysis tool, under a scheme known as "Plan E-comptes".

This plan, which arose out of the recent municipal accounting and CPAS reform, has 4 main strands:

- creation across all administrative authorities of a Standardised Accounting Data Base (B.D.C.S.) using the same electronic format everywhere;
- Provision of free software enabling local authorities to analyse the very wide range of data contained in these standardised bases.
- Provision of regional statistics and analyses of regional authorities using this new standard, with a view to achieving economies of scale, via a summary file containing accounting data.
- Development of a culture of management analysis and transparency in local finances.

The "E-comptes" software is:

1. a dynamic, scalable tool:

The "E-comptes" software, which is available to local administrations free of charge, has been developed by public servants working in the field, tax inspectors, IT specialists, analysts, etc.

It is designed to evolve and gradually incorporate new functionalities as it includes a module for generating requests for analyses that can be exchanged between administrations in the form of files to be downloaded from the local authorities' official web site.

In order to encourage this process of cross-fertilisation, an "e-comptes" club has been set up to bring public servants and IT specialists together.

2. designed to simplify the administrative process:

In just a few minutes, the software scans the hundreds of thousands of data in the local B.D.C.S.s and generates standardised reports prepared by local finance experts. To achieve the same result manually would require several days of encoding. Apart from the significant savings in terms of time, having standardised data across the entire Walloon Region also makes it easier to train people in the tools and how to use them.

The concept is transferable to local authorities in other parts of Europe, in terms of both the analysis function and the IT tools, which are designed to work on various data formats complying with the main international standards.

Principle 11: Human rights, cultural diversity and social cohesion

The conditions governing the right to vote and to stand for election have been amended (Belgian Electoral Code).

The nationality requirement has been revised so that "new" Belgians can register to vote even if Belgian nationality was acquired after 1 August. These new voters will also be able to stand for election, provided that they are naturalised by the date on which nominations are filed.

This provision removes the uncertainty over what happens in the case of non-nationals who have registered to vote, but whose ability to do so would be compromised by the fact that they were naturalised after 1 August.

The rules have been clarified to prevent citizens from registering in more than one municipality. The government is to carry out checks and, where necessary, decide which of the colleges concerned should remove the voter from its register and which should retain him or her.

Still on the subject of elections, there is a mandatory requirement to nominate an equal number of male and female candidates, so as to achieve a more representative cross-section of society.

It has generally been observed, moreover, that political parties endeavour to submit socially diverse lists (including the elderly, young people, Belgians of foreign origin, persons with disabilities, etc.).

The introduction of civic participation and consultation mechanisms (see above) is in keeping with this principle as the purpose of these schemes is to reflect society in all its complexity and diversity: men, women, young people, the elderly, the poor, people with disabilities, persons of foreign origin, etc.

Elected representatives of non-democratic parties (in particular the far right) do not have the same access to representation on the various bodies, such as intermunicipal associations (Code of Local Democracy and Decentralisation) and regional social housing corporations (Walloon Housing Code).

Provincial elected representatives of non-democratic parties are likewise excluded from organisations such as autonomous provincial companies (CDLD Article 2223-5 § 2) or provincial non-profit making associations (CDLD article L2223-14).

Principle 12: Accountability

Individual and collective no-confidence motions (introduced by the decree of 8 December 2005 amending the Code of Local Democracy and Decentralisation) were up and running for the most recent local and provincial elections in an effort to further develop local democracy.

II. The approach on the ground

A) On the basis of these regulations and legislation, it was decided:

- 1) not, at this stage, to make the revising or supplementing of regulations and legislation the priority objective (in other words, to call a temporary halt to work on legislation);
- 2) to set up a working group consisting of representatives of the administration of the Walloon Region – **Directorate of Local Authority Planning and Development**, the Association of Walloon Towns and Municipalities and the Association of Walloon Provinces. These three bodies constitute a unique observatory of local institutions;
- 3) in agreement with the authorities this working group focused its attention on the progress to be made on 6 principles:
 - principle 1 (in part): striving for “fair participation”;
 - principle 3: efficiency and effectiveness
 - principle 6: ethical conduct;
 - principle 7: strengthening management competence and capacity;
 - principle 8: innovation and openness to change
 - principle 12: accountability.

B) As project leader, I informed all the local authorities in Wallonia (262) of the draft strategy, which enabled me to constitute a sample of 17 interested municipalities, **10** of which continued the dialogue throughout the process (from the smallest to the largest: Donceel, Comblain au Pont, Hamois, Hannut, Fleurus, Soignies, Sambreville, Ath, Tournai, Mons) along with the Province of Liège.

Most of these municipalities spontaneously gave a presentation of the draft strategy to their municipal councils, demonstrating an interest in the approach and undertaking to uphold the principles of “good governance”.

C) A considerable amount of documentation has been compiled on the initiatives taken:

- by the **Walloon Government** for its own purposes;
- by the **Walloon Government** at the initiative of the Minister for Local Authorities in support of municipalities which have embarked upon programmes to ensure “innovation and good governance”;
- by associations of local authorities;
- by the **municipalities** taking part in the initiative.

Below is a table showing these initiatives with links to the reference sites:

Walloon Region: own initiatives

Contract for the future (updated)	http:// contratdavenir.wallonie.be	Principle 9
Development plan ("Marshall Plan")	http:// planmarshall.wallonie.be	Principle 7
E-government/Easy Wal	http:// easi.wallonie.be	Principle 8
Evaluation 2005-2009		
The High Council of Walloon Towns and Municipalities (establishment)	http:// csvp.wallonie.be	
The regional ombudsman	http:// www.wallonie.be	Principle 2

Initiatives targeting local authorities

Social cohesion plan	http:// cohesionsociale.be	Principle 11
The TONUS plan to help with the management of local finances	http:// crac.wallonie.be	Principle 10
LDA's (Local development agencies)	http:// www.uvcw.be http:// emploi.wallonie.be http:// www.intelliterwal.net	
PCDR (municipal rural development plan)	http:// www.pcdr.be	
Plan E communes	http:// pouvoirslocaux.wallonie.be	Principles 7 & 8
Qualicité	http:// www.qualicite.be	Principles 7 & 8
CHOQ "Campaign for quality in Picard Wallonia"	http:// www.choq.be	Principles 7 & 8
EPN (Public digital spaces)	http:// www.epn-ressources.be	Principles 7 & 8
Municipal internet sites	http:// www.uvcw.be http:// pouvoirslocaux.wallonie.be	Principles 1 & 7
AWT (Walloon Telecom Agency) – ITC portal in the Walloon Region	http:// www.awt.be	Principles 1 & 7
E comptes	http:// www.ecomptes.be	Principles 1 & 7
"Bras ouverts" quality standard	http:// www.uvcw.be	Principles 1 & 7
Regional Training Council	http:// crf.wallonie.be	Principles 3 & 7
Training grants	http:// pouvoirslocaux.wallonie.be	Principles 3 & 7
Communication: "Dialogue" and "Responses"	http:// dialogue.wallonie.be http:// pouvoirslocaux.wallonie.be	Principles 1 & 2

One “good practice” which has taken place every year since 2006, at the initiative of the Region, is the “Salon des Mandataires” attended by local and regional elected representatives and their public and private partners, potential suppliers of goods and services. The event includes lectures and thematic workshops, open to local and regional government officers [http:// www.salondesmandataires.be](http://www.salondesmandataires.be)

Initiatives of representative associations:

The Union of Walloon Towns and Municipalities [http:// www.uvcw.be](http://www.uvcw.be)
The Association of Walloon Provinces [http:// www.apw.be](http://www.apw.be)

Sample local authorities – local initiatives

Donceel [http:// www.donceel.be](http://www.donceel.be)
Comblain au Pont [http:// www.comblainaupont.be](http://www.comblainaupont.be)
Hamois [http:// www.hamois.be](http://www.hamois.be)
Hannut [http:// www.hannut.be](http://www.hannut.be)
Fleurus [http:// www.fleurus.be](http://www.fleurus.be)
Soignies [http:// www.soignies.be](http://www.soignies.be)
Sambreville [http:// www.sambreville.be](http://www.sambreville.be)
Ath [http:// www.ath.be](http://www.ath.be)
Tournai [http:// www.tournai.be](http://www.tournai.be)
Mons [http:// www.mons.be](http://www.mons.be)

III. State of play in respect of the 6 principles selected

Principle 1 (in part): striving for “fair participation”;

Principle 3: efficiency and effectiveness

Principle 6: ethical conduct;

Principle 7: strengthening management competence and capacity;

Principle 8: innovation and openness to change

Principle 12: accountability.

Principle 1 - (...) "fair participation" (...)

Walloon citizens **participate**:

- thanks to the laws and decrees in force (See above "Regulatory framework") and the willingness of the municipalities themselves;
- they are consulted; for example, Ath consulted its residents on the "police regulations" dealing with instances of antisocial behaviour;
- they are regularly asked to contribute to discussions prior to the taking of decisions, in the form of residents' meetings on specific topics, neighbourhood meetings, etc;
- a local magazine for residents provides information and offers a means of expression (for example, Fleurus publishes 10 magazines each year);
- 262 Internet sites, most of which are interactive.

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From the various contacts on the ground, it is clear that the conduct of elected representatives is different, depending on the size of the municipality, its sociological profile and the number of inhabitants.

In the "**small**" municipalities (Hamois – Donceel – Comblain au Pont), there is a **close relationship** between elected representatives and citizens. Nonetheless, this requires considerable approachability on the part of elected representatives (and especially the mayor).

In "**medium-sized**" municipalities, a participatory approach is mandatory where the number of inhabitants is at least 15,000 (Hannut). In such circumstances, there is a clear case for an ombudsman, or contact person responsible for meeting citizens on the ground or acting as an interface with the local authorities, which have an obligation to hold the requisite meetings with citizens.

In towns (ie municipalities with 20,000 to 30,000 inhabitants), (Soignies – Fleurus – Sambreville – Ath), debates have to be organised:

- either by means of a meeting of the decentralised municipal college,
- or by dividing the town into neighbourhoods or zones (eg: the upper town/lower town). For such municipalities, especially those with between 50,000 and 100,000 inhabitants, it is essential for there to be computerised management of citizen relations (eg: Tournai – citizens' demands on "minor works" are registered (by means of specific codes), and dealt with by the technical services (objectivity) and planned in line with available resources, both financial (awarding of contracts) and human (staff planning).

For larger municipalities of 100,000 inhabitants or more (Mons), direct contact is only on an occasional basis and participation is possible only by means of geographical and thematic organisation (eg in Mons, a **participatory budget** has been drawn up for 2 pilot districts).

Charleroi and Liège, cities of 200,000 inhabitants, have designated their neighbourhoods and have even created "decentralised administrative agencies" and "neighbourhood community centres".

Principle 3 – management efficiency and effectiveness

Following the example of the Region which has made its “Contract for the future” the basis of its policy, the councils set up after the local elections of October 2006 have been keen to implement the “general policy programme” (see “legal framework” above) applying the “Agenda 21” philosophy (eg Sambreville).

Some of them, when voting on the budget, have special municipal council sessions devoted to stock-taking and a review of objectives.

These are “technical” working sessions of the various municipal council committees, particularly the Finance committee, but the debates are open to the public, in the interests of transparency. Information is also relayed in the local magazine and on the website.

“The age of evaluation” has now begun and more and more elected representatives find this to be an opportunity for internal debate and for exchanges with citizens, those responsible for the organisation of local public services, and representatives of the administration.

Principle 6 – ethical conduct

The legal arsenal comprises a number of safeguards (see “legal framework”, above).

The recent local elections brought with them a new generation of elected representatives and a reappraisal of some aspects of past conduct.

The debate on ethics, strengthened by a commitment to resolve difficult and sensitive situations led to the drafting of internal rules reflecting elected representatives’ greater awareness of the importance of their image and citizens’ desire for exemplary leadership.

Several municipalities have drawn up a local code of ethics or a charter of local government.

Principle 7: Competence and capacity

The implementation as early as 1994 of the “general principles of local public service” immediately led to a review of local statutes.

The 3 pillars of this reform are:

1. revision of salary scales;
2. career advancement and training;
3. appraisal.

In the first years of implementation, the review of salary scales and career advancement by seniority were welcomed by staff but had obvious financial consequences.

At present, efforts are focused on training and staff appraisal.

To this end, local authorities, assisted financially in part by the Walloon Region, are implementing “**training programmes**”.

In the interests of efficiency, local authorities define the **profiles/occupations** before recruiting.

The local authorities as employers are striving, with the help of the Regional Training Council set up in Namur (see “regulatory framework” above) and in line with a reasonable financial package (\pm 50% of ordinary receipts) to ensure an operational and efficient public service.

Elected representatives, for their part, are taking part in thematic forums organised by the Union of Walloon Towns and Municipalities, designed primarily to foster good management and familiarity with legislation.

In addition to their investment in human resources and training, local authorities have begun **computerising** the way they are organised in the overall context of e-democracy at all levels.

Use of the electronic identity card in local entities is widely encouraged and supported by the Region, to enable citizens to perform a number of operations on line, quickly and easily.

The e-Communes plan (see above), introduced by the Region to support local entities in their modernisation efforts, features a number of key concepts such as mutualisation, sustainability, autonomy, independence, control, modernisation, combating the digital divide.

Examples of initiatives taken under the e-Communes scheme include the development of municipal websites, the Qualicité project and public digital technology facilities, the majority of which have been granted a quality standard.

The municipalities involved in the Qualicité project are looking to:

- improve user relations management;
- have control over internal processes;
- improve information management systems;
- manage municipal executives and staffing needs;
- share the tools developed and the methodology with all municipalities across the Walloon Region.

In order to achieve these goals, each municipality works on specific projects and each stage in the development of the projects is approved by all the other entities as well as by the Walloon Region.

The scheme is thus very much about pooling resources and partnership.

Principle 8: Innovation and openness to change

- following 25 years of natural co-existence (many local elected representatives are also regional representatives), there is now a close working relationship between the Region and its local authorities: “working together for a municipality-oriented Region and Region-oriented municipalities”.
- In this context, the **High Council of Towns, Municipalities and Provinces of Wallonia** serves as the interface for the examination of proposed texts by the government (the executive) before they are officially presented to parliament (the legislative) in matters relating to local authorities.
- Local authorities have also been recognised and granted partner status in Wallonia’s Contract for the Future, and acknowledged as key players in its policies at local level.

- The Region's efforts to develop ICTs has led to rapid and conclusive results as part of the administrative simplification and e-government programme placing **users** at the heart of the authorities' concerns.

The "CommunesPlone" project is the brainchild of Walloon municipalities, in particular Sambreville, that wish to have more independence and control over their IT systems, by pursuing the same strategy.

The project is set in the particular context of the Walloon municipalities, where limited budgets and technical skills have led to heavy dependence on outside suppliers. Very often, this dependence prevents municipalities from taking independent decisions and action, and from pursuing forward-looking IT policies.

In an effort to reduce this dependence on outside suppliers, CommunesPlone seeks to encourage the development of business applications and web sites by and for municipalities. Various tools are made available to all municipalities.

- Under the guidance of associations and, where appropriate, with the support of subsidised programmes, all municipalities are becoming more modern.
The rigid dividing lines of the (federal) past are being eroded and while they still exist in some matters, this would apply solely to major future institutional reform or external (economic or financial) crises.
- Over time, local authorities and the Region have built on the findings of the regular assessment made of their policies by various organisations, such as the Walloon Institute for Evaluation, Forecasting and Statistics (<http://statistiques.wallonie.be>).

Principle 12: Accountability

To recap, Walloon legislation contains:

- prohibitions relating to public procurement to combat abuse;
- guidelines on the **formal requirements of the decisions** of elected councils.

In addition, local authorities report on their activities "spontaneously" via channels such as websites, monthly or bi-monthly magazines, mail-shots, the local press, replies to written or oral questions, etc.

Moreover, both elected representatives and the authorities are keen to promote **transparency**.

At this level too, computerised management of data and "requests" is a means of not only quickly and easily providing explanations and the most appropriate response to citizens, but also drawing up work schedules (with an annual assessment under budgetary control).

In the organisation of local affairs, quite apart from official elected councils and the bodies required by legislation and regulations, such as consultative councils, local officials have to be allowed the freedom to capture the attention of all their citizens (without exception) and to gather their support.

They must live "together" in harmony for six years. That is the real challenge.

IV. The future for innovation and good governance in local authorities in Wallonia

The strategy to be adopted for the 6 principles selected

The programme to be initiated

Messages from the ground:

- test, consolidate on the ground before drawing up norms (principle 7);
- adopt a "bottom up" rather than "top down" approach (principle 8);
- provide local authorities with the financial resources they need (principles 7 and 10);
- communicate more effectively in the Wallonia of tomorrow (principle 12);
- facilitate training (principles 3 and 7) – a suitable interface would be one way of matching demand on the ground to the "organised" offer of training for all public services.

General considerations:

In the majority of towns and municipalities which showed interest spontaneously, it was clear that there was a desire for change.

Good governance in the 21st century is evolving (evolution and not revolution). Governance is constantly faced with new demands as citizens are now much more aware; society has changed its approach to public affairs, which are reported on at all times by the media in all its forms (radio, press, online, etc).

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It is therefore the first level, municipalities, which have the heaviest responsibility for maintaining effective democracy and where the danger is the greatest.

Elected representatives are "in touch". They act:

at grass-roots level, in small municipalities (5 to 10,000 inhabitants);

in a participatory approach, with good dialogue in medium-sized municipalities (15 to 30,000 inhabitants);

in a structured participatory approach, in the largest municipalities (60,000 and + inhabitants).

Neighbourhood community centres and local mayoral offices are being set up in the cities (+ 200,000 inhabitants).

Message from the representative associations:

In its 2009 memorandum sent to the Government of the Region, the Association of Local Authorities re-emphasised the need for effectiveness in a community-based approach, to ensure a basic, high-quality public service for citizens (<http://www.UVCW.be>)

Recommended measures

Optimising local governance, by:

- adopting strategic planning and developing a culture of assessment – principle 12;
- developing in-service training for local elected representatives – principle 7;
- promoting ethical behaviour in a context of principled professional conduct – principle 6;

Strengthening the community-based approach:

- in both rural and urban settings – principle 1;
- enhancing public service performance by introducing e-government – principles 3 and 8
- strengthening relations with citizens – principle 1;
- improving dialogue with the Region (in relation to all aspects of human resources management) – principle 7;
- increasing interaction between municipalities and “communities of municipalities” – principle 7;
- increasing interaction with the private sector (PPP) – principle 7;
- taking action at international level and supporting partnerships – principle 8.

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The Walloon Region and its local authorities in 2009

The regional elections will be held on Sunday 7 June 2009.

The current government's programme will be finalised on the basis of the resources earmarked in the 2009 budget, pending a forthcoming government programme for the period 2009-2014.

In the context of "Innovation and Good Governance", financial resources continue to be assigned to major projects to modernise local public services for citizens.

Good governance

In the light of current events, it is imperative for the Walloon Region to provide appropriate training for elected representatives and local government staff. Resources will be found to offer training on providing a high-quality service, public procurement, etc.

- 1) The municipal Tonus Plan is, in this regard, a key financial component of regional measures for municipalities; it comprises two main strands (principle 10).

The first is to grant an exceptional and linear grant (the Government has decided to extend the aid awarded under strand 1 of the Tonus Plan).

The second is designed to eliminate municipal structural deficits. Accordingly, it will focus on helping certain municipalities with a structural deficit caused by different factors: the cost of security services, the action taken to offset shortages in the hospital sector, expenses related to surplus staffing or heavy indebtedness (for example, as a result of excessive investment).

The reform tying in with the decree on the financing of the Municipalities Fund is due to be put in place, following evaluation, in order to pursue the efforts at objectivisation, a pluriannual approach and balanced distribution of regional resources allocated to the municipalities.

- 2) Modernising local administrations: Qualicité and E-Communes plan – (principles 7 and 8)
 - The allocated appropriations will be used to finance the plan to modernise local administrations in order to make them more effective, more welcoming and more accessible. To this end, encouragement will be given for measures to provide higher-quality and more readily understandable information to citizens (ITC).
 - Similarly, encouragement will also be given for the use of new communication methods in order to modify and simplify relations with citizens, as part of the implementation of an E-government policy at local level.
 - To this end, the E-Communes plan is pursuing its objective (principle 8) by helping municipalities in their use of new communication tools. This plan will highlight the concept of exchanges, good practices, and the pooling of developments, competences and resources. The European dimension will not be overlooked.
 - The activities of the "Qualicité" association of municipalities will continue to be supported in order to unify and consolidate the efforts taken at local level to modernise the operation of administrations, in order to provide citizens with a better service.

- The quality of municipal services will also be gauged by the quality and competence of the municipal staff concerned. Accordingly, an emphasis will be placed on the training of municipal staff by means of training plans, which will also comprise a module on new communication tools (principle 7).

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Other territorial authorities

A description of Innovation and Good Governance in the Walloon Region would be incomplete without a reference to the activities of the Provinces and the Intermunicipal Associations, two special types of territorial authority.

The remarkable changes that have taken place in these institutions include a thorough review of the organisational and operational rules (see above, the democratic framework in Wallonia – regulatory framework – principle 1).

The provinces (of which there are 5 in the Walloon Region) were set up in 1836 (Provinces Act).

The Liège Province has signed up to the Strategy; a special report will be drafted in the spring.

Provincial councillors are directly elected.

The officials running the intermunicipal associations are “2nd degree” local elected representatives.

In the intermunicipal sector, one of the positive outcomes of the measures taken by the Walloon Region and local authorities is the fact that not only have they safeguarded public service instruments, but they have also managed to reduce their number.

The sector-by-sector rationalisation objective has made it possible to strengthen, clarify and optimise the delivery of citizen services (there were 136 intermunicipal associations in 200 and 106 in 2008).

The intermunicipal associations are governed by legislation dating from 1922 and comprise a functional grouping of municipalities focusing on a particular topic (eg waste management, health care, economic development, etc) in the form of public service associations operating on the basis of a memorandum of agreement.

Civil Society

Civil society (universities, foundations, etc) is very active with regard to **governance**. Workshops, and lectures are regularly held in Wallonia to inform and reassure the many officials embarking upon their planned changes to the way they govern.

Pilot experiments are conducted on the ground.

Numerous written documents provide substance for the debate.

CONCLUSIONS

The expressions "Good governance" and "Good management" should be avoided as they are poorly perceived in Wallonia.

In the Walloon Region, the public sector has entered the 21st century with a commitment to introducing a **"new approach to responsible governance"**.

It will take some time for citizens to reap the rewards of this process, but there are already some reassuring signs. Evaluation, for example, is virtually systematic.

Transparency is the key to the smooth functioning of local authorities vis-à-vis their citizens.

Excesses in the exercise of representative democracy, or the opacity of authority, has in the past severely restricted democracy.

At present, the Democracy Code makes provision for dismissal from authority by means of the constructive vote of no-confidence (see above, "legal framework").

Parties winning absolute majorities in the most recent local elections have, in a broad spirit of democracy, have offered seats to other political groups. This is another positive sign.

Half way through the term of office (late 2009), it would be interesting to take an overall view of the "new form of responsible governance" on the basis of the 6 principles selected.

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Appended documents

Fléron – Illustration of the 12 principles

Hannut – Good governance: specific actions

Sambreville – Contract for Good Governance in Sambreville

Mons – Participatory budgeting

Charleroi: The Administration Charter