

Chris M. G. Himsworth: The European Charter of Local Self-Government: A Treaty for Local Democracy

*Ivan Koprić**

UDK: 35.072.1(4)(048.1)

On the occasion of the thirtieth anniversary of adoption of the European Charter of Local Self-Government by the Council of Europe, Professor Chris Himsworth published a book about this important European legal document. The Charter is one of the milestones in the European regulation of local self-government, a document which brought upheaval in understanding of local democracy throughout Europe, maybe even beyond. At the same time, it has been the main harmonization instrument in local governance field in Europe.

The book was published in 2015 by Edinburgh University Press Ltd. Chris Himsworth is Professor Emeritus of Administrative Law at the University of Edinburgh Law School. He has served as a member of the Council of Europe Group of Independent Experts on the European Charter of Local Self-Government from United Kingdom. The reviewed book is based on his expertise and experience in the field. As he wrote in Preface, in his role of the CoE expert, he had the opportunity to work “under conditions

* Dr Ivan Koprić, Full Professor and the Head of the Chair of Administrative Science at the Faculty of Law, University of Zagreb, and the president of the Institute of Public Administration, Zagreb, Croatia (redovni profesor i predstojnik Katedre za upravnu znanost Pravnog fakulteta Sveučilišta u Zagrebu te predsjednik Instituta za javnu upravu, e-mail: ikopric@pravo.hr)

of near anonymity, to draft Charter-based monitoring reports and other Charter-related documents.”

I met Professor Himsworth in April 2007, during one of the visits of the Congress of Local and Regional Authorities of Europe monitoring delegation to Croatia. In October 2007 the Congress adopted the Report about local and regional democracy in Croatia, which was translated by scientific journal *Hrvatska javna uprava* and published in its No. 4/2007 (pp. 913-942). Shortly after that, in May 2008, Croatia ratified all the remaining provisions of the Charter, which had not been ratified in 1997, when Croatia accepted “only a minimum range of substantive articles and, therefore, omitted adherence to a number of important obligations” (Report, 2007). During the meeting with the Congress delegation at the Faculty of Law in Zagreb, I got the impression about Professor Himsworth as a highly resourceful person whose previous information about the situation in Croatia were detailed and understanding of the Charter excellent.

This excellence can be seen throughout his book, too. The book is structured into eight chapters. Besides short introduction and general conclusions, the book analyses the Charter’s origins, the Charter text and Additional Protocol from 2009, the institutions and procedures of Charter implementation and enforcement, Charter interpretation and application, and its impacts in Europe and beyond. Some two hundred pages offer precise, distinct and useful information, comments, and references. The author gives special attention to local institutions and local democracy in the United Kingdom, which is not only natural but also desirable for us from the continental part of Europe, especially having in mind a kind of reluctance with regard to harmonization with European standards in the UK. Furthermore, the UK has a dualistic approach to the incorporation of international treaties, which joined with the absence of a written constitution, has resulted in the lowest formal status that the Charter enjoys in a Council of Europe country. His further analysis is precise and goes deep into specificities in England, Wales, Scotland, and Northern Ireland. However, other interesting examples, stories, and particularities from throughout Europe are analysed with excellent knowledge, familiarity, and understanding.

Although the analysis of the Charter text and the interpretations of the Charter are of special interest to lawyers, other book chapters may be even more interesting to whoever wants to know how the Charter functions in contemporary European reality. In that regard, implementation institutions and procedures are of special importance. The author describes the reception of the Charter in the legal systems of the ratifying

countries, the institutions and procedures of monitoring (six elements of monitoring procedure), and gives a comparison of some recent Congress recommendations.

My favourite chapters, however, are those dealing with impacts of the Charter. Professor Himsworth is well aware that such impacts are not limited to Europe, but have spread even beyond. In such a vein, he presents the Charter as a viable and powerful instrument, as well as a legal text which is so alive that it can inspire people not only in Europe but in almost the whole World, when speaking about local governance as an ideal of democratic society. He analyses other similar global and regional initiatives, and the initiatives of codifying the status of regional self-government in Europe.

In the concluding part, Professor Himsworth briefly describes relevant historical context and its influence, and – to some extent – interdependencies, with the Charter and its interpretations. Its historical roots go back to the time after World War II. He very well sees its power during the great change in Europe at the end of the 1980s and afterwards, as well as the stormy, precarious and austere effects of the financial crisis of the late 2000s. For that, it is sad to read the last sentence with prediction that “it is improbable that the Charter (despite all its apparent attractions for the progressive design of substate institutions) and its monitoring will celebrate a fiftieth anniversary”.

Be that as it may, Chris Himsworth’s book *The European Charter of Local Self-Government* is not a book that ought to be read; it is a book that well deserves continuous perusal. It also deserves thorough thinking, as any inspiring book should.