

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 416 (2018)<sup>1</sup> Local democracy in Liechtenstein

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. Article 2, paragraph 1.b, of Statutory Resolution CM/Res(2015)9 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, which provides that one of the aims of the Congress shall be “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 2, paragraph 3, of Statutory Resolution CM/Res(2015)9, stipulating that: “The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented”;

c. Chapter XVII of the *Rules and Procedures* of the Congress on the organisation of the monitoring procedures;

d. Recommendation 196 (2006) on local democracy in Liechtenstein;

e. the present explanatory memorandum on local democracy in Liechtenstein, drawn up by Artur TORRES PEREIRA, Portugal (L, EPP/CCE) and Marie KAUFMANN, Czech Republic (R, ILDG), as rapporteurs, following a visit to Liechtenstein on 6 and 7 June 2017.<sup>2</sup>

2. With regard to Liechtenstein:

a. it signed the European Charter of Local Self-Government (ETS No. 122, “the Charter”) on 15 October 1985 and ratified it on 11 May 1988 with the exception of Article 3, paragraph 2, Article 6, paragraph 2, Article 7, paragraph 2, Article 9, paragraphs 3, 4 and 8 and Article 10, paragraphs 2 and 3. The Charter entered into force in Liechtenstein on 1 September 1988;

b. it has not signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207);

c. the situation of local democracy has already been the focus of Recommendation 196 (2006) adopted by the Congress on 1 June 2006;

d. the Monitoring Committee decided to review the situation with regard to local self-government in Liechtenstein in the light of the Charter and instructed Artur TORRES PEREIRA and Marie KAUFMANN, as rapporteurs, to

prepare and submit to the Congress a report on local democracy in Liechtenstein;

e. the Congress delegation carried out a monitoring visit to Liechtenstein on 6 and 7 June 2017, visiting Vaduz, Triesenberg and Planken. During the visit the delegation met representatives of national authorities (Prime Minister and Minister of General Government, as well as Minister of Home Affairs, Education and Environment), the President of the parliament (Landtag), the President of the State Court (Staatsgerichtshof), the national delegation of Liechtenstein to the Congress and representatives of the Association for Human Rights (Verein für Menschenrechte in Liechtenstein), as well as local authorities of the capital city Vaduz and the municipalities of Triesenberg and Planken. The detailed programme of the visit is appended to the explanatory memorandum.

3. The rapporteurs wish to thank the Permanent Representation of Liechtenstein to the Council of Europe, all the national and local contacts, as well as everyone else the delegation met during the visit, for making themselves available and for the information they so willingly provided.

4. The Congress notes with satisfaction:

a. the general implementation of the principles and requirements of the Charter;

b. a healthy financial situation of local authorities in Liechtenstein due to the high percentage of tax revenue received by municipalities and their well-balanced budgets;

c. close and effective co-operation between the central government and local authorities in practice;

d. highly developed citizen participation in local matters through the municipal assemblies and local referendums;

e. the compliance with non-ratified provisions of the Charter.

5. The Congress notes that the following points call for particular attention:

a. the present system of government approval of municipal budgets as a legal condition for their validity is not proportionate to the importance of the interest which it is intended to protect (Article 8, paragraphs 2 and 3);

b. overlapping of some competences, in particular as regards municipal budget approval, issuing of building permits and the approval of community planning and development that does not allow for the powers given to local authorities to be full and exclusive (Article 4, paragraph 4, of the Charter);

c. the absence of formal recognition in the law of mechanisms of consultation with local authorities on matters that directly affect them, even though systematic and effective consultations take place in practice.

6. In the light of the foregoing, the Congress requests that the Committee of Ministers invite the authorities of Liechtenstein to:

a. abolish the system of government approval of local budgets;

b. clarify the allocation of competences between central government and the municipalities related to issuing building permits and the approval of community planning and development so as to ensure that local governments have full and exclusive powers within the meaning of Article 4, paragraph 4, of the Charter;

c. formalise in law the mechanism of consulting local authorities that would further safeguard their right to be consulted on all matters that concern them directly;

d. consider ratifying Article 3, paragraph 2, Article 6, paragraph 2, Article 7, paragraph 2, Article 9, paragraphs 3, 4 and 8, and Article 10, paragraphs 2 and 3, which are *de facto* applied in Liechtenstein;

e. consider signing and ratifying the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

7. The Congress calls on the Committee of Ministers to take account of this recommendation on local democracy in Liechtenstein and the accompanying explanatory memorandum in its activities relating to this member State.

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1. Debated and adopted by the Congress on 28 March 2018, 2nd sitting (see Document [CG34\(2018\)15](#), explanatory memorandum), co-rapporteurs: Artur TORRES PEREIRA, Portugal (L, EPP/CCE) and Marie KAUFMANN, Czech Republic (R, ILDG).

2. The rapporteurs were assisted by Zoltan SZENTE, member of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress Secretariat.