

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 499 (2023)¹ Monitoring of the application of the European Charter of Local Self-Government in Ireland

1. The Congress of Local and Regional Authorities of the Council of Europe (“the Congress”) refers to:

a. Article 2, paragraph 1.*b.*, of the Charter of the Congress of Local and Regional Authorities of the Council of Europe appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, stipulating that one of the aims of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 1, paragraph 2, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, stipulating that “[t]he 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 the effective implementation of the principles of the European Charter of Local Self-Government”;

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

d. the *2021-2026 Priorities of the Congress*, in particular the priority 6b that concerns the quality of representative democracy and citizen participation;

e. the Sustainable Development Goals (SDGs) of the United Nations 2030 Agenda for Sustainable Development, in particular Goal 11 on sustainable cities and communities and Goal 16 on peace, justice and strong institutions;

f. the Guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;

g. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, adopted on 21 March 2018;

h. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities’ activities, adopted on 4 April 2019;

i. the previous Congress Recommendation on the monitoring of the application of the European Charter of Local Self-Government in Ireland (Recommendation 342 (2013)).

j. the explanatory memorandum to this Recommendation on the monitoring of the application of the European Charter of Local Self-Government in Ireland.

2. The Congress points out that:

a. Ireland joined the Council of Europe on 5 May 1949, signed the European Charter of Local Self Government (ETS No. 122, “the Charter”) on 7 October 1997 and ratified it on 14 May 2002, with a declaration to the effect that Ireland intends to confine the scope of the Charter to the following categories of authorities: county councils, city councils and town councils. The Charter entered into force in respect of Ireland on 1 September 2002. Ireland 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);

b. the Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (Monitoring Committee) decided to examine the situation of local and regional democracy in Ireland in light of the Charter. It entrusted Vladimir Prebilič, Slovenia (L, SOC/G/PD), and Gunn Marit Helgesen, Norway (R, EPP/CCE), to prepare and submit a report on the implementation of the Charter in Ireland to the Congress. The two rapporteurs were assisted by Professor Anders Lidström, member of the Group of Independent Experts on the European Charter of Local Self-Government of the Congress;

c. the monitoring visit took place from 4 to 5 April and on 2 May 2023. The Congress delegation met representatives of various institutions at all levels of government. The detailed programme of the monitoring visit is appended to the explanatory memorandum;

d. the co-rapporteurs wish to thank the Permanent Representation of Ireland to the Council of Europe and all those with whom they had exchanges during these meetings.

3. The Congress notes with satisfaction that in Ireland:

a. additional important changes have taken place since the previous monitoring visit in 2013. Many of these were codified in the 2014 Local Government Reform Act, which transformed the structure of local government, gave local councils additional responsibilities for local economic development and local community development, and established municipal districts and regional assemblies. The financial conditions for elected members have also improved;

b. local authorities are strongly connected with their citizens and provide services of good standard;

c. national authorities proclaim their commitment to further reforming the system in order to strengthen local self-government and local democracy;

d. a major reform strategy is to promote the establishment of directly elected mayors, who will have a leading role at the county level and who can take over executive functions from the chief executive;

e. citizens’ participation in local public affairs is well developed through various forms of participatory democracy.

1. Debated and adopted by the Congress during the 45th Session on 25 October 2023 (see document [CG\(2023\)45-17](#), explanatory memorandum), rapporteurs: Vladimir PREBILIČ, Slovenia (L, SOC/G/PD), and Gunn Marit HELGESEN, Norway (R, EPP/CCE).

4. The Congress expresses its concern on the following issues:

a. although new functions have been transferred to local authorities, local government is far from complying with the principle of subsidiarity, which requires that public responsibilities shall generally be exercised, in preference, by those authorities closest to the citizens, and local authorities do not manage a substantial share of public affairs under their own responsibility;

b. an imbalance between the elected members and the chief executives in local authorities remains;

c. members of regional assemblies are indirectly elected and not accountable to citizens for the decisions they take in the assembly;

d. Ireland still lacks a formalised and regular process for central government consultations with local government on matters that concern them directly;

e. the local council has limited influence over the administrative structure of the local authority;

f. on the whole, administrative supervision of local government is extensive and detailed, and there are no signs that central supervision is about to be relaxed;

g. the resources belonging to local governments to be used at their discretion remain limited;

h. most central government grants are earmarked for specific purposes, which means that the scope for local priorities is limited.

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

a. transfer additional functions to local authorities, in particular within the area of public welfare;

b. continue with reforms in order, in particular, to introduce directly elected mayors and to increase elected members' influence over executive matters in local authorities, and elect members of the regional assemblies directly;

c. introduce a system of formal and regular consultations between central and local government as part of efforts to build trust between different levels of government;

d. enhance local democratic control over the internal administrative structure of local government;

e. reduce administrative supervision of local government;

f. increase the amount of resources belonging to local governments that they can use at their own discretion; and increase the share of non-earmarked grants;

g. sign and ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

6. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this Recommendation on the monitoring of the application of the European Charter of Local Self-Government in Ireland and the accompanying explanatory memorandum in their activities relating to this member State.